ENVIRONMENTAL ASSESSMENT
FOR
THE NEW NIAGARA FALLS BORDER PATROL STATION
U.S. BORDER PATROL BUFFALO SECTOR, NEW YORK
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY
WASHINGTON, D.C.

NOVEMBER 2022

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Project Proponent:	Department of Homeland Security U.S. Customs & Border Protection U.S. Border Patrol
Point of Contact:	U.S. Customs and Border Protection Border Patrol & Air and Marine Program Management Office 1331 Pennsylvania Avenue, NW Suite 1555, Mailstop 1102 Washington, D.C. 20229

FINDING OF NO SIGNIFICANT IMPACT
FOR
CONSTRUCTION OF THE NEW NIAGARA FALLS BORDER PATROL STATION
U.S. BORDER PATROL BUFFALO SECTOR, NEW YORK
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY
WASHINGTON, D.C.

INTRODUCTION

United States (U.S.) Customs and Border Protection (CBP) prepared an Environmental Assessment (EA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of a new U.S. Border Patrol Station (BPS) in Niagara, New York.

The new BPS would replace the current facility which does not have the capacity to meet current and future needs for USBP operations in the area. The new BPS would be constructed to accommodate 50 agents. The new BPS and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States.

The Niagara Falls BPS is one of six stations in the Buffalo Sector, along with the Buffalo, Rochester, Oswego, and Wellesley Island Stations in New York and the Erie Station in Pennsylvania. The Niagara Falls BPS Area of Responsibility (AOR) encompasses 1,122 square miles within Niagara County and includes 245 miles of shoreline along Lake Ontario and the Niagara River, 73 miles of international boundary, and three international ports of entry. The ports of entry include the Rainbow Bridge, Whirlpool Bridge, and the Lewiston-Queenstown Bridge.

PROPOSED ACTION

The primary buildings constructed on-site would be an approximately 18,030 square-foot (sq ft) main building and 21,900 sq ft of support space. The BPS would include the following spaces: administration offices, break area, detention, fitness, male and female locker rooms, mechanical/electrical/plumbing equipment space, short stay kennel to accommodate two (2) canines, emergency generator, enhanced lighting and communication tower, perimeter fence, compliant access controls and surveillance systems, and a station tower.

Ancillary Options within the support space include:

1. Enclosed parking to accommodate 33 vehicles and ATV/snowmobile storage to accommodate six (6) vehicles;

2. Vehicle maintenance bays, vehicle wash rack, weapons cleaning, facility maintenance and mechanic staff building, and sensor maintenance shop;
3. Heliport;
4. Fuel island; and
5. Boat/marine storage for four (4) vessels.

PROJECT LOCATION

The proposed new BPS would be constructed in the southeastern portion of the town of Niagara, New York, approximately 6 miles east of the U.S.-Canadian border. Niagara is in western New York, in Niagara County, and is within the Eastern Great Lakes Lowlands ecoregion. The new Niagara Falls BPS would be constructed on an approximately 15.45-acre parcel located south of Lockport Road.

PURPOSE AND NEED

CBP proposes to construct, operate, and maintain a new BPS in Niagara Falls (the Proposed Action) in support of USBP's mission to "safeguard the nation's borders, preserve public trust, and support the men and women who selflessly protect America" and facilitating the primary goals and objectives of the Border Patrol Strategic Plan. Based upon the increasing trends in illegal border activities and the current insufficient facilities at the Niagara Falls BPS, additional USBP agents and other resources are required to enhance the operational capabilities of USBP within the Niagara Falls Station's AOR.

The need for a new Niagara Falls BPS is due to the outdated, insufficient, and overcrowded capacity of the current facility. The original station, built in 1952, was intended for use by 32 USBP agents, but currently has 50 agents working in over-crowded and insufficient conditions. The facility lacks adequate parking, a fire protection or sprinkler system, an intrusion detection system (IDS), and a duress alarm system.

The existing Niagara Falls BPS does not meet current CBP facility design standards due to the lack of key security infrastructure. For example, the facility lacks a proper security fence, exterior lighting, and a proper closed-circuit television (CCTV) surveillance system coverage. This creates a security vulnerability for USBP agents and visitors at the Niagara Falls BPS. The proposed construction of an upgraded permanent facility would address the occupational health, safety, security, and operational deficiencies that are found at the existing Niagara Falls BPS.

ALTERNATIVES

Two action alternatives and the No Action Alternative, as required by CEQ, have been evaluated in the EA. The alternative descriptions are presented in the following paragraphs.

Alternative 1 (Lockport Road) is a 15.45-acre parcel located south of Lockport Road and is CBP's Preferred Alternative. This parcel was agricultural land and is currently classified as Vacant Land; however, the surrounding areas are classified as Industrial. The new Niagara Falls BPS would be a compatible land use with the Heavy Industrial area. Although this parcel is 50.3

acres, CBP has chosen to evaluate approximately 15.45-acres of the parcel for siting purposes. The 15.45-acre portion of the 50.3-acre parcel is located south of Lockport Road, adjacent to the Niagara Falls Air Reserve Station (NFARS). If this alternative is chosen, CBP would make a direct purchase from the current private owner.

Alternative 2 (Porter Road) is a 10.6-acre parcel located along Porter Road, east of U.S. Interstate 190. This parcel consists of a mix of open fields and wooded area, which is zoned for Business, therefore the new Niagara Falls BPS would be an applicable building for this zone. The 10.6-acre parcel is located towards the northwest end of Porter Road near the Niagara Falls International Airport and residential housing. If this alternative is chosen, CBP would make a direct purchase from the current private owner.

Alternative 3 is the No Action Alternative, which would preclude the construction, operation, and maintenance of a new BPS. The existing station would continue to be inadequate for the support of operations within the Niagara Falls AOR and would have to accommodate the projected increase in USBP agents but would not be able to do so while operating in an effective manner. Consequently, this alternative would hinder USBP's ability to respond to high-levels of illegal border-related activity. The No Action Alternative does not meet the purpose and need for the proposed project, but was carried forward for analysis, as required by the Council on Environmental Quality (CEQ) regulations. The No Action Alternative describes the existing conditions in the absence of the Proposed Action.

ENVIRONMENTAL CONSEQUENCES

No effects on cultural resources would be expected as no historical or archaeological resources were found within the boundaries of the Proposed Action. Effects on biological resources such as soils, vegetation, wildlife, and protected species would range from none to minor, temporary to long-term. The Proposed Action would have minimal impacts on ground water resources. Surface water used for municipality purposes would be impacted negligibly due to the increase in usage in the Niagara area. Alternative 1 (Lockport Road) would have permanent impacts on approximately 594 linear feet of potentially jurisdictional Waters of the U.S. Alternative 2 (Porter Road) would have permanent impacts on wetlands (2.36 acres) and 412 linear feet of Waters of the U.S. For both alternatives, these impacts would be mitigated to a no net loss of wetlands, if chosen. Alternative 2 is located within the 100-year floodplain within a Special Flood Hazard Area (SFHA) and would have a moderate impact on the surrounding environment. However, through mitigation, the facility design could be modified to accommodate its location within the floodplain.

Temporary and minor increases in air pollution and noise would occur during construction activities. Negligible increases in demands on utilities would be expected as a result of the new BPS. Construction of the BPS would create long-term, minor impacts on roadways and traffic within the region. Vehicular traffic would increase near the proposed site to transport materials and work crews during construction activities. An increase in the number of personnel traveling to the new BPS would also occur after construction was completed. The Proposed Action would have minor to negligible impacts on socioeconomics through increased taxes, salaries, and buying of supplies during construction and operation of the BPS. Further, the Proposed Action

would not result in disproportionately high and adverse human health or environmental effects on minority populations or low-income populations.

BEST MANAGEMENT PRACTICES

Best Management Practices were identified for each resource category that could be potentially affected. Many of these measures have been incorporated as standard operating procedures by CBP in similar past projects. The BMPs to be implemented are found below and in Section 4.0 of the EA.

GENERAL PROJECT PLANNING CONSIDERATIONS

1. If required, night-vision-friendly strobe lights necessary for CBP operational needs will use the minimum wattage and number of flashes per minute necessary to ensure operational safety.

2. Avoid contamination of ground and surface waters by storing concrete wash water, and any water that has been contaminated with construction materials, oils, equipment residue, etc., in closed containers on-site until removed for disposal. This wash water is toxic to wildlife. Storage tanks must have proper air space (to avoid rainfall-induced overtopping), be on-ground containers, and be located in upland areas instead of washes.

3. Avoid lighting impacts during the night by conducting construction and maintenance activities during daylight hours only. If night lighting is unavoidable, 1) use special bulbs designed to ensure no increase in ambient light conditions, 2) minimize the number of lights used, 3) place lights on poles pointed down toward the ground, with shields on lights to prevent light from going up into sky, or out laterally into landscape, and 4) selectively place lights so they are directed away from all native vegetative communities.

4. CBP will avoid the spread of non-native plants by not using natural materials (e.g., straw) for on-site erosion control. If natural materials must be used, the natural material would be certified weed and weed-seed free. Herbicides not toxic to listed species that may be in the area can be used for non-native vegetation control. Application of herbicides will follow Federal guidelines and can be used in accordance with label directions.

5. CBP will ensure that all construction will follow DHS Directive 025-01 for Sustainable Practices for Environmental, Energy, and Transportation Management.

6. CBP will place drip pans under parked equipment and establish containment zones when refueling vehicles or equipment.

SOILS

1. Clearly demarcate the perimeter of all new areas to be disturbed using flagging or temporary construction fencing. Do not allow any disturbance outside that perimeter.

2. The area of disturbance will be minimized by limiting deliveries of materials and equipment to only those needed for effective project implementation.

3. Within the designated disturbance area, grading or topsoil removal will be limited to areas where this activity is needed to provide the ground conditions necessary for construction or maintenance activities.

4. Rehabilitation will include revegetating or the distribution of organic and geological materials (i.e., boulders and rocks) over the disturbed area to reduce erosion while allowing the area to naturally vegetate.

BIOLOGICAL RESOURCES

1. Materials used for on-site erosion control will be free of non-native plant seeds and other plant parts to limit potential for infestation.

2. Identify by its source location any fill material, sandbags, hay bales, and mulch brought in from outside the project area. These materials will be free of non-native plant seeds and other plant parts to limit potential for infestation.

3. Native weed free seeds or plants will be used to revegetate temporarily disturbed areas.

4. Obtain materials such as gravel, topsoil, or fill from existing developed or previously used sources that are compatible with the project area and are from legally permitted sites. Do not use materials from undisturbed areas adjacent to the project area.

5. To prevent entrapment of wildlife species, ensure that excavated, steep-walled holes or trenches are either completely covered by plywood or metal caps at the close of each workday or provided with one or more escape ramps (at no greater than 1,000-foot intervals and sloped less than 45 degrees) constructed of earthen fill or wooden planks.

6. Each morning, before the start of construction or maintenance activities and before such holes or trenches are filled, ensure that they are thoroughly inspected for trapped animals. Ensure that any animals discovered are allowed to escape voluntarily (by escape ramps or temporary structures), without harassment, and before construction activities resume, or are removed from the trench or hole by a qualified person and allowed to escape unimpeded.

7. The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712, [1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989]) requires that Federal agencies coordinate with the USFWS if a construction activity would result in the take of a migratory bird. If construction or clearing activities are scheduled during nesting season (March 15 through September 15) within potential nesting habitats, surveys will be performed to identify active nests. If construction activities will result in the take of a migratory bird, then coordination with the USFWS and New York State Department of Conservation (NYSDEC) will be required and applicable permits would be obtained prior to

construction or clearing activities. Other mitigation measures that would be considered are to install visual markers on any guy wires used, and to schedule all construction activities outside nesting season, negating the requirement for nesting bird surveys. The proposed communications tower would also comply with USFWS guidelines for reducing fatal bird strikes on communications towers (Clark 2000), to the greatest extent practicable.

8. If an active nest is found, a buffer zone will be established around the nest and no activities will occur within that zone until nestlings have fledged and abandoned the nest.

9. If construction is scheduled during the migratory bird nesting season, steps will be taken to prevent migratory birds from establishing nests in the potential impact area. These steps could include covering equipment and structures, and use of various excluders (e.g., noise) if necessary.

10. Anti-perching devices will be incorporated into the site design and installed on the tower.

11. CBP will not, for any length of time, permit any pets inside the project area or adjacent native habitats. This BMP does not pertain to law enforcement animals.

CULTURAL RESOURCES

1. In the event that unanticipated archaeological resources are discovered during construction or any other project-related activities, or should known archaeological resources be inadvertently affected in a manner that was not anticipated, the project proponent or contractor shall immediately halt all activities in the immediate area of the discovery and within 24 hours notify the Energy and Environmental Management Division (EEMD) of such a discovery. They will take steps to stabilize and protect the discovered resource until it can be evaluated by a qualified archaeologist.

2. In the event that human remains are inadvertently discovered all ground-disturbing activity would cease immediately. The Project Manager would immediately notify CBP and EEMD. CBP would notify state police within 24 hours of the discovery and follow their directions for securing the site pending examination of a medical examiner/coroner. Law enforcement and the coroner would determine whether or not the discovery constitutes a crime scene. CBP would coordinate with the state police and the coroner regarding where construction activities can resume. No work may proceed without the written authorization of CBP. CBP would notify the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Office (SHPO) or Tribal Historic Preservation Officer, any impacted Indian Tribe, and any impacted federal agency of the discovery in writing within two business days. Native American Graves Protection and Repatriation Act (NAGPRA) would be followed if the discovery is determined to be of Native American origin. CBP's established standard operating procedures for inadvertent discoveries would be adhered to in all cases.

AIR QUALITY

1. Soil watering will be utilized to minimize airborne particulate matter created during construction activities. Bare ground may be covered with hay or straw to lessen wind erosion during the time between construction and the revegetation of temporary impact areas with a mixture of native plant seeds or nursery plantings (or both). All construction equipment and vehicles will be kept in good operating condition to minimize exhaust emissions.

WATER RESOURCES

1. Wastewater is to be stored in closed containers on-site until removed for disposal. Wastewater is water used for project purposes that is contaminated with construction materials or from cleaning equipment and thus carries oils or other toxic materials or other contaminants as defined by Federal or state regulations.

2. Avoid contamination of ground and surface waters by collecting concrete wash water in open containers and disposing of it off-site.

3. Avoid contaminating natural aquatic and wetland systems with runoff by limiting all equipment maintenance, staging, and laydown and dispensing hazardous liquids, such as fuel and oil, to designated upland areas.

4. Cease work during heavy rains and do not resume work until conditions are suitable for the movement of equipment and materials.

5. Erosion control measures and appropriate BMPs, as required and promulgated through a site-specific SWPPP and engineering designs, will be implemented before, during, and after soil-disturbing activities.

6. Areas with highly erodible soils will be given special consideration when preparing the SWPPP to ensure incorporation of various erosion control techniques, such as straw bales, silt fencing, aggregate materials, wetting compounds, and rehabilitation, where possible, to decrease erosion.

7. All construction and maintenance contractors and personnel will review the CBP-approved spill protection plan and implement it during construction and maintenance activities.

8. Wastewater from pressure washing must be collected. A ground pit or sump can be used to collect the wastewater. Wastewater from pressure washing must not be discharged into any surface water.

9. If soaps or detergents are used, the wastewater and solids must be pumped or cleaned out and disposed of in an approved facility. If no soaps or detergents are used, the wastewater must first be filtered or screened to remove solids before being allowed to flow off-site.

Detergents and cleaning solutions must not be sprayed over or discharged into surface waters.

NOISE

1. Avoid noise impacts during the night by conducting construction and maintenance activities during daylight hours only.

2. All Occupational Safety and Health Administration (OSHA) requirements will be followed. To lessen noise impacts on the local wildlife communities, construction will only occur during daylight hours. All motor vehicles will be properly maintained to reduce the potential for vehicle-related noise.

SOLID AND HAZARDOUS WASTES

1. BMPs will be implemented as standard operating procedures during all construction activities, and will include proper handling, storage, and/or disposal of hazardous and/or regulated materials. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils, and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery will be completed in accordance with accepted industry and regulatory guidelines, and all vehicles will have drip pans during storage to contain minor spills and drips. Although it is unlikely that a major spill would occur, any spill of reportable quantities will be contained immediately within an earthen dike, and the application of an absorbent (e.g., granular, pillow, sock) will be used to absorb and contain the spill.

2. CBP will contain non-hazardous waste materials and other discarded materials, such as construction waste, until removed from the construction and maintenance sites. This will assist in keeping the project area and surroundings free of litter and reduce the amount of disturbed area needed for waste storage.

3. CBP will minimize site disturbance and avoid attracting predators by promptly removing waste materials, wrappers, and debris from the site. Any waste that must remain more than 12 hours should be properly stored until disposal.

4. All waste oil and solvents will be recycled. All non-recyclable hazardous and regulated wastes will be collected, characterized, labeled, stored, transported, and disposed of in accordance with all applicable Federal, state, and local regulations, including proper waste manifesting procedures.

5. Solid waste receptacles will be maintained at the project site. Non-hazardous solid waste (trash and waste construction materials) will be collected and deposited in on-site receptacles. Solid waste will be collected and disposed of by a local waste disposal contractor.

6. Disposal of used batteries or other small quantities of hazardous waste will be handled, managed, maintained, stored, and disposed of in accordance with applicable Federal and state rules and regulations for the management, storage, and disposal of hazardous materials, hazardous waste and universal waste. Additionally, to the extent practicable, all batteries will be recycled locally.

7. All rainwater collected in secondary containment will be pumped out, and secondary containment will have netting to minimize exposure to wildlife.

8. A properly licensed and certified hazardous waste disposal contractor will be used for hazardous waste disposal, and manifests will be traced to final destinations to ensure proper disposal is accomplished.

ROADWAYS AND TRAFFIC

1. Construction vehicles will travel and equipment will be transported on established roads with proper flagging and safety precautions.

FINDINGS AND CONCLUSIONS

On the basis of the findings of the EA, which is incorporated by reference, and which has been conducted in accordance with the National Environmental Policy Act, the Council on Environmental Quality regulations, and DHS Directive Number 023-01, Rev.01, and DHS Instruction Manual 023-01-001-01, Rev. 01, Implementation of the National Environmental Policy Act and after careful review of the potential environmental impacts of implementing the proposal, we find there would be no significant impact on the quality of the human or natural environments; therefore, there is no requirement to develop an Environmental Impact Statement. Further, we commit to implement BMPs and environmental design measures identified in the EA and supporting documents.

BARTOLOME D MIRABAL Digitally signed by BARTOLOME D MIRABAL Date: 2022.12.08 08:47:27 -05'00'

Bartolome Mirabal Date
Director
Facilities Division
U.S. Border Patrol

CHRISTOPHER S OH Digitally signed by CHRISTOPHER S OH Date: 2022.12.16 14:32:57 -05'00'

Christopher Oh Date
Acting Deputy Director
Facilities Management and Engineering Division
U.S. Customs and Border Protection

EXECUTIVE SUMMARY

INTRODUCTION

United States (U.S.) Customs and Border Protection (CBP) is the law enforcement component of the Department of Homeland Security (DHS) responsible for securing the border and facilitating lawful international trade and travel. U.S. Border Patrol (USBP) is the uniformed law enforcement component within CBP responsible for securing the Nation's borders against the illegal entry of people and goods between ports of entry.

CBP is proposing to construct a new Border Patrol Station (BPS) in Niagara, New York. The new BPS would replace the current facility which does not have the capacity to meet current and future needs for USBP operations in the area. The new BPS and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The new BPS would be located approximately 4 miles east of the existing Niagara Falls BPS.

PROJECT LOCATION

The proposed BPS would be constructed in the southeastern portion of the town of Niagara, Niagara County, approximately 6 miles east of the U.S.-Canadian border. The proposed location alternatives evaluated in this EA are sufficient in size to construct the BPS main administrative building and associated infrastructure including a heliport, communications tower, all-terrain vehicle (ATV)/snowmobile storage facility, government-owned vehicles (GOV) and privately owned vehicle (POV) parking area, enclosed GOV parking area, fuel island, and a marine patrol storage. The two location alternatives are a 15.45-acre parcel located off of Lockport Road (Alternative 1) and a 10.6-acre parcel located on Porter Road (Alternative 2).

CBP prepared a Draft Environmental Assessment (EA) that was made available to the public for comment in November 2021. In the Draft EA, Alternative 1 consisted of a 16.7-acre parcel within a larger property (50.3-acres) south of Lockport Road. Since the release of the Draft EA, the 16.7-acre parcel was acquired by another entity and was no longer available for purchase. This Final EA analyzes impacts on a 15.45-acre parcel of land that partially overlaps the previously analyzed parcel (16.7 acres) and is completely within the 50.3-acre parcel.

PURPOSE AND NEED

CBP proposes to construct, operate, and maintain a new BPS in Niagara Falls (the Proposed Action) in support of USBP's mission to "safeguard the nation's borders, preserve public trust, and support the men and women who selflessly protect America" and facilitating the primary goals and objectives of the Border Patrol Strategic Plan (CBP 2020). Based upon the increasing trends in illegal border activities and the current insufficient facilities at the Niagara Falls BPS, additional USBP agents and other resources are required to enhance the operational capabilities of USBP within the Niagara Falls Station Area of Responsibility (AOR).

The need for a new Niagara Falls BPS is due to the outdated, insufficient, and overcrowded capacity of the current facility. The existing Niagara Falls BPS was built in 1952 and was intended for use by 32 USBP agents; however, to effectively support USBP's mission, an increase to at least 50 agents has been required to operate in the Niagara Falls AOR since its establishment.

The existing Niagara Falls BPS does not meet current CBP facility design standards due to the lack of key security infrastructure. For example, the facility lacks a proper security fence, exterior lighting, and a proper closed-circuit television (CCTV) surveillance system coverage. This creates a security vulnerability for USBP agents and visitors at the Niagara Falls BPS. The proposed construction of an upgraded permanent facility would address the occupational health, safety, security, and operational deficiencies that are found at the existing Niagara Falls BPS.

PROPOSED ACTION AND ALTERNATIVES

The Proposed Action consists of the construction, operation, and maintenance of a new Niagara Falls BPS and associated infrastructure that is intended to meet the purpose of and need for CBP's 2020 Border Patrol Strategic Plan. Following the construction of the new Niagara Falls BPS, the existing facility would be returned to U.S. General Services Administration (GSA) for eventual sale or disposal. Two location alternatives for BPS sites and the No Action Alternative were carried forward for evaluation in this Environmental Assessment (EA). As required by National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations, the No Action Alternative reflects conditions within the project site should the Proposed Action not be implemented. Alternative 1 (Lockport Road) is a 15.45-acre parcel located off of Lockport Road and Alternative 2 (Porter Road) is a 10.6-acre parcel located on Porter Road. Alternative 1 (Lockport Road) is CBP's preferred alternative.

AFFECTED ENVIRONMENT AND CONSEQUENCES

No effects would on cultural resources would be expected as none were found within the boundaries of the Proposed Action. Effects on biological resources such as soils, vegetation, wildlife, and protected species would range from none to minor, temporary to long-term. The Proposed Action would have minimal impacts on ground water resources. Surface water used for municipality purposes would be impacted negligibly due to the increase in usage in the Niagara area. Alternative 1 (Lockport Road) would have permanent impacts on approximately 594 linear feet of potentially jurisdictional Waters of the U.S. Alternative 2 (Porter Road) would have permanent impacts on 2.36 acres of potentially jurisdictional wetlands (2.36 acres) and 412 linear feet of Waters of the U.S. For both alternatives, these impacts would be mitigated to a no net loss of wetlands if chosen. Alternative 2 is located within the 100-year floodplain within a Special Flood Hazard Area (SFHA) and would have a moderate impact on the surrounding environment. However, through mitigation, the facility design could be modified to accommodate its location within the floodplain.

Temporary and minor increases in air pollution and noise would occur during construction activities. Negligible increases in demands on utilities would be expected as a result of the new BPS. Construction of the BPS would create long-term, minor impacts on roadways and traffic within the region. Vehicular traffic would increase near the proposed site to transport materials

and work crews during construction activities. An increase in the number of personnel traveling to the new BPS would also occur after construction was completed. The Proposed Action would have minor to negligible impacts on socioeconomics through increased taxes, salaries, and buying of supplies during construction and operation of the BPS. Further, the Proposed Action would not result in disproportionately high and adverse human health or environmental effects on minority populations or low-income populations.

FINDINGS AND CONCLUSIONS

Based upon the analyses of the EA and the Best Management Practices (BMPs) to be implemented, the Proposed Action would not have a significant effect on the environment. Therefore, no further analysis or documentation (i.e., Environmental Impact Statement) is warranted. CBP, in implementing this decision, would employ all practical means to minimize the potential for adverse impacts on the human and natural environments.

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1.0 PURPOSE OF AND NEED FOR THE PROPOSED ACTION

1.1 INTRODUCTION

United States (U.S.) Customs and Border Protection (CBP) has prepared an Environmental Assessment (EA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction and operation of a new U.S. Border Patrol (USBP) Station (BPS) in Niagara, New York. The proposed new BPS would be constructed to initially accommodate 50 agents and would replace the current Niagara Falls BPS, which does not have the capacity to meet current and future needs for USBP operations in the area. The BPS and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the U.S. (CBP 2020).

The Niagara Falls BPS is one of six stations in the Buffalo Sector, along with the Buffalo, Rochester, Oswego, and Wellesley Island Stations in New York and the Erie Station in Pennsylvania (CBP 2021a). The Niagara Falls BPS's Area of Responsibility (AOR) encompasses 1,122 square miles within Niagara County and includes 245 miles of shoreline along Lake Ontario and the Niagara River, 73 miles of international boundary, and three international ports of entry. The ports of entry include the Rainbow Bridge, Whirlpool Bridge, and the Lewiston-Queenstown Bridge. The Niagara Falls BPS plays an integral part in the overall Border Patrol Strategic Plan as a primary line of defense between the border with Canada and the interior of the U.S. It ensures a rapid response capability in support of Riverine Operations and a forward deployment posture along the U.S.-Canada international boundary.

The existing Niagara Falls BPS was constructed in 1952 to support 32 USBP agents. The facility does not meet CBP facility design standards and poses safety and health risks to USBP agents. Some of the facility deficiencies include a lack of adequate parking, a fire protection, sprinkler system, intrusion detection system (IDS), and a duress alarm system and there are regular issues with the electrical system and bursting pipes. In addition, there are no secure barriers (i.e., glass shield or wall) in the current processing area or perimeter fencing.

1.2 PROJECT LOCATION

The proposed new BPS would be constructed in the southeastern portion of the town of Niagara, New York, approximately 6 miles east of the U.S.-Canadian border (Figure 1-1). Niagara is in western New York, in Niagara County, and is within the Eastern Great Lakes Lowlands ecoregion (Bryce et al. 2010). Alternative 1 (Lockport Road) is a 15.45-acre parcel located off of Lockport Road and Alternative 2 (Porter Road) is a 10.6-acre parcel located on Porter Road. In the Draft EA, Alternative 1 consisted of a 16.7-acre parcel within a larger property (50.3-acres) south of Lockport Road. Since the release of the Draft EA, the 16.7-acre parcel was acquired by another entity and is no longer available for purchase. The new Alternative 1 parcel (15.45 acres) analyzed in this Final EA overlaps the original parcel (16.7 acres) and is within the same larger parcel (50.3 acres). Further discussion of the revised Alternative 1 location is provided in Section 2.2.1.

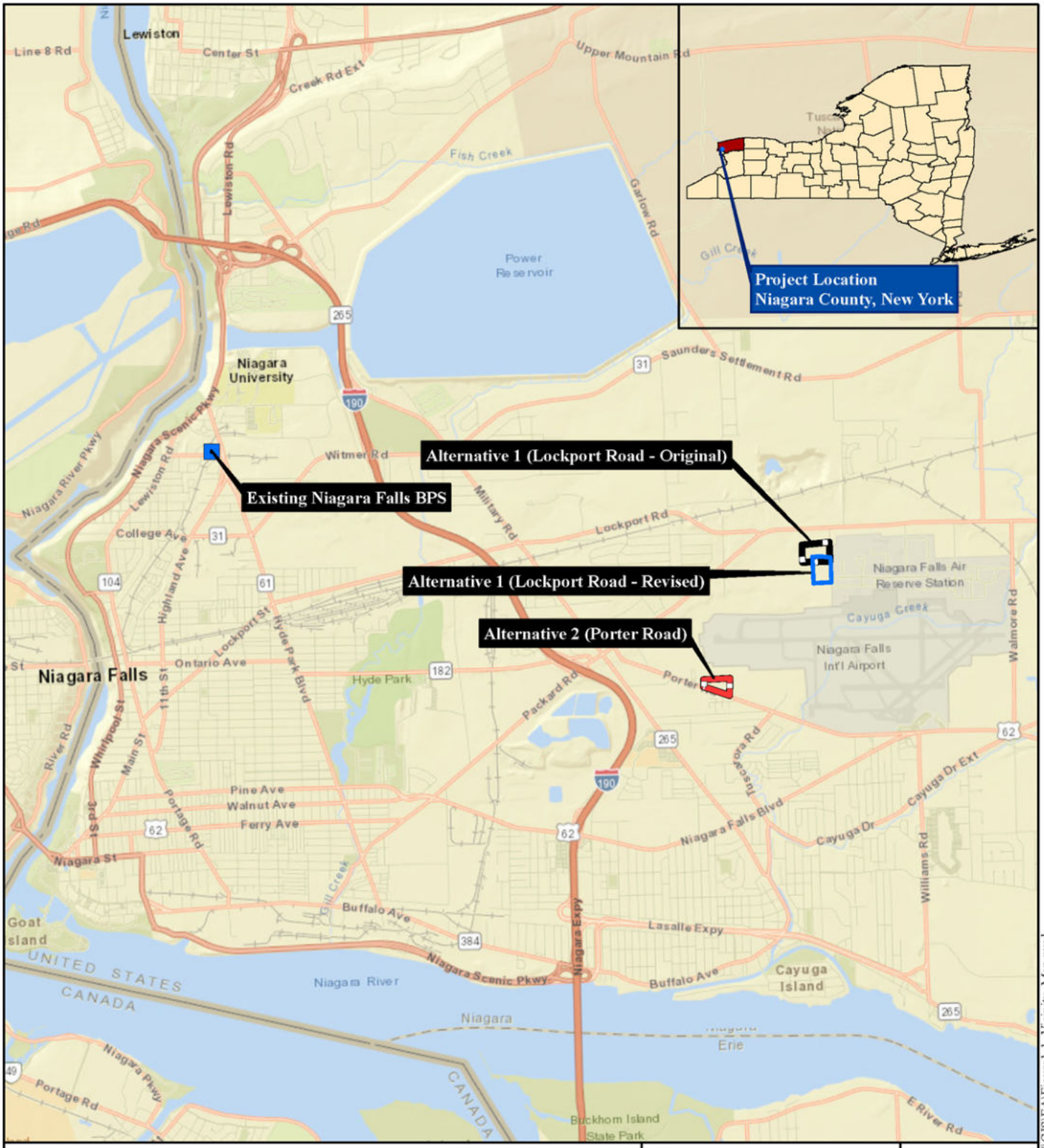

Figure 1-1. Vicinity Map

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1.3 PURPOSE OF THE PROPOSED ACTION

CBP proposes to construct, operate, and maintain a new BPS in Niagara Falls (the Proposed Action) in support of USBP's mission to "safeguard the nation's borders, preserve public trust, and support the men and women who selflessly protect America." The installation of an upgraded permanent facility would address the occupational health, safety, security, and operational deficiencies that are found at the existing Niagara Falls BPS and would effectively anticipate and adapt to future law enforcement challenges. Utilizing the proposed Niagara Falls BPS location as a base of USBP operations is mission critical in USBP's commitment to maintaining law and order on the northern border, stopping potential terrorists, and preventing the illicit trafficking of people and contraband between the official ports of entry into the U.S. The Proposed Action would enhance the overall safety and efficiency of current and future operations within the USBP Niagara Falls Station's AOR, as well as the safety of communities in the area.

1.4 NEED FOR THE PROPOSED ACTION

The new Niagara Falls BPS is needed to replace the existing, outdated, and insufficient facilities. The original station, built in 1952, was intended for use by 32 USBP agents, but currently has 50 agents working in over-crowded and insufficient conditions. The facility lacks adequate parking, a fire protection or sprinkler system, an intrusion detection system (IDS), and a duress alarm system. In addition, the absence of any secure barriers (i.e. glass shield or wall) in the current processing area poses a safety concern. There are also several security issues which create a vulnerable environment and require multiple security upgrades to meet USBP security requirements: these issues include a lack of proper security fencing and exterior security lighting, a lack of security door locks on essential rooms within the BPS, and insufficient closed-circuit television (CCTV) surveillance system coverage.

1.5 SCOPE OF ENVIRONMENTAL ANALYSIS AND DECISIONS TO BE MADE

The scope of this EA includes an evaluation of the effects on the natural, cultural, social, economic, and physical environments resulting from the construction, installation, operation, and maintenance of the proposed BPS within the Niagara Falls AOR (see Figure 1-1). This evaluation will review and discuss environmental trends or reasonably foreseeable planned actions within the potentially affected areas. This analysis does not include an assessment of operations conducted in the field and away from the station. The potentially affected natural and human environment is limited to resources associated with the town of Niagara and Niagara County, New York. Most potential effects will be limited to the construction site and immediately adjacent resources.

This EA will assess the environmental impacts of the Proposed Action and alternatives. The EA will allow decision makers to determine if the Proposed Action would or would not have effects on the natural, cultural, social, economic, and physical environment, as well as whether the action can proceed to the next phase of project development or if an Environmental Impact Statement (EIS) is required. The process for developing the EA allows for input and comments on the Proposed Action from the concerned public, interested non-governmental groups, and

interested government agencies to inform agency decision making. This EA will be prepared as follows:

1. Conduct interagency and intergovernmental coordination for environmental planning. The first step in the National Environmental Policy Act (NEPA) process is to solicit comments from federal, state, and local agencies, as well as federally recognized tribes, about the proposed project to ensure that their concerns are included in the analysis.

2. Prepare a draft EA. CBP reviewed and addressed relevant comments and concerns received from any federal, state, local agencies, or federally recognized tribes during preparation of the draft EA.

3. Announce that the draft EA has been prepared. A Notice of Availability (NOA) was published in the *Niagara Gazette* newspaper on November 9, 2021 to announce the public comment period and the availability of the draft EA and Finding of No Significant Impact (FONSI). A copy of the NOA is included in Appendix A.

4. Provide a public comment period. The draft EA was available to the public for a 30-day review beginning November 9, 2021. The draft EA was available for download from the CBP internet web page at the following URL address: http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review.

5. Prepare a final EA. This final EA has been prepared following the public comment period. The final EA addresses relevant comments and concerns received from all interested parties during the public comment period.

6. Issue a FONSI. The final step in the NEPA process is the signature of a FONSI, if the environmental analysis supports the conclusion that impacts on the quality of the human and natural environments from implementing the Proposed Action would not be significant. In this case, no EIS would be prepared.

1.6 APPLICABLE ENVIRONMENTAL GUIDANCE, STATUTES, AND REGULATIONS

CBP follows applicable federal laws and regulations for environmental protection and management. The EA was developed in accordance with the requirements of NEPA; updated regulations issued by the Council on Environmental Quality (CEQ) published in 40 Code of Federal Regulations (CFR) Parts 1500-1508 and 1515-1518 (CEQ 2020); Department of Homeland Security (DHS) Directive Number 023-01, Rev.01; DHS Instruction Manual 023-01-001-01, Rev. 01, Implementation of the National Environmental Policy Act and other pertinent environmental statutes, regulations, and compliance requirements. The EA is the vehicle for compliance with all applicable environmental statutes, such as the Endangered Species Act (ESA) of 1973, 16 United States Code (U.S.C.) Part §1531 et seq., as amended, and the National Historic Preservation Act (NHPA) of 1966, 16 U.S.C. §470a et seq., as amended.

1.7 PUBLIC INVOLVEMENT

In accordance with 40 CFR §1501.9, 1503, 1506.6, and 1508.1 (k), CBP initiated public involvement and agency scoping activities to identify significant issues related to the Proposed Action. CBP is consulting, and will continue to consult, with appropriate local, state, tribal, and federal government agencies throughout the EA process. Formal and informal coordination has been conducted with the following agencies:

Federal Agencies:

- U.S. Fish and Wildlife Service (USFWS)
- U.S. Environmental Protection Agency (USEPA)
- U.S. Army Corps of Engineers (USACE)
- U.S. Department of the Interior (DOI)
- Federal Aviation Administration (FAA)
- Federal Communications Commission (FCC)
- National Telecommunications and Information Administration (NTIA)
- Niagara Falls Air Reserve Station (NFARS)

State Agencies:

- New York State Department of Environmental Conservation (NYSDEC)
- New York State Historic Preservation Office (SHPO)
- New York State Department of Transportation (NYSDOT)

Tribal:

- Seneca-Cayuga Nation of Oklahoma
- Seneca Nation of Indians
- Tonawanda Band of Seneca
- Tuscarora Nation

Local:

- Niagara County
- Town of Niagara
- City of Niagara Falls
- Niagara Falls International Airport
- Niagara Frontier Transportation Authority

1.7.1 Scoping Process

CBP initiated the scoping process on October 13, 2021 to solicit comments and information from the agencies and stakeholder groups listed in Section 1.7. Responses were received from U.S. Department of Agriculture (USDA), FAA, Niagara Frontier Transportation Authority, USEPA, and the Seneca Nation of Indians. FAA requested to be a participating agency in the

development of this EA and for CBP to submit FAA Form 7460-1, *Notices of Construction or Alteration*, to ensure compliance with FAA guidelines. In order to complete FAA Form 7460-1, the final design and location of the facility and associated structures must be known. Following completion of the facility design, CBP will submit FAA Form 7460-1 to FAA to complete coordination. Copies of all other agency and stakeholder group responses are included in Appendix A.

1.7.2 Draft EA Public Review Period

The 30-day draft EA public review period concluded on December 9, 2021. Responses were received from FAA, the Town of Niagara, NYSDOT, U.S. Air Force, and USFWS. Copies of all agency and stakeholder group responses are included in Appendix A.

2.0 PROPOSED ACTION AND ALTERNATIVES

This chapter describes the Proposed Action and alternatives for siting the proposed new Niagara Falls BPS. Two location alternatives and the No Action Alternative were identified and considered during the planning stages of the proposed project. Since the release of the Draft EA, the 16.7-acre parcel within a larger property (50.3-acres) south of Lockport Road. That constituted was acquired by another entity and was no longer available for purchase. The new Alternative 1 parcel (15.45 acres) analyzed in this Final EA overlaps the original parcel (16.7 acres) and is within the same larger parcel (50.3 acres). The Proposed Action consists of the construction of a new Niagara Falls BPS and associated infrastructure that meet the purpose of and need for the project. As required by NEPA and CEQ regulations, the No Action Alternative reflects conditions within the project area should the Proposed Action not be implemented. Two location alternatives were carried forward for evaluation in this EA.

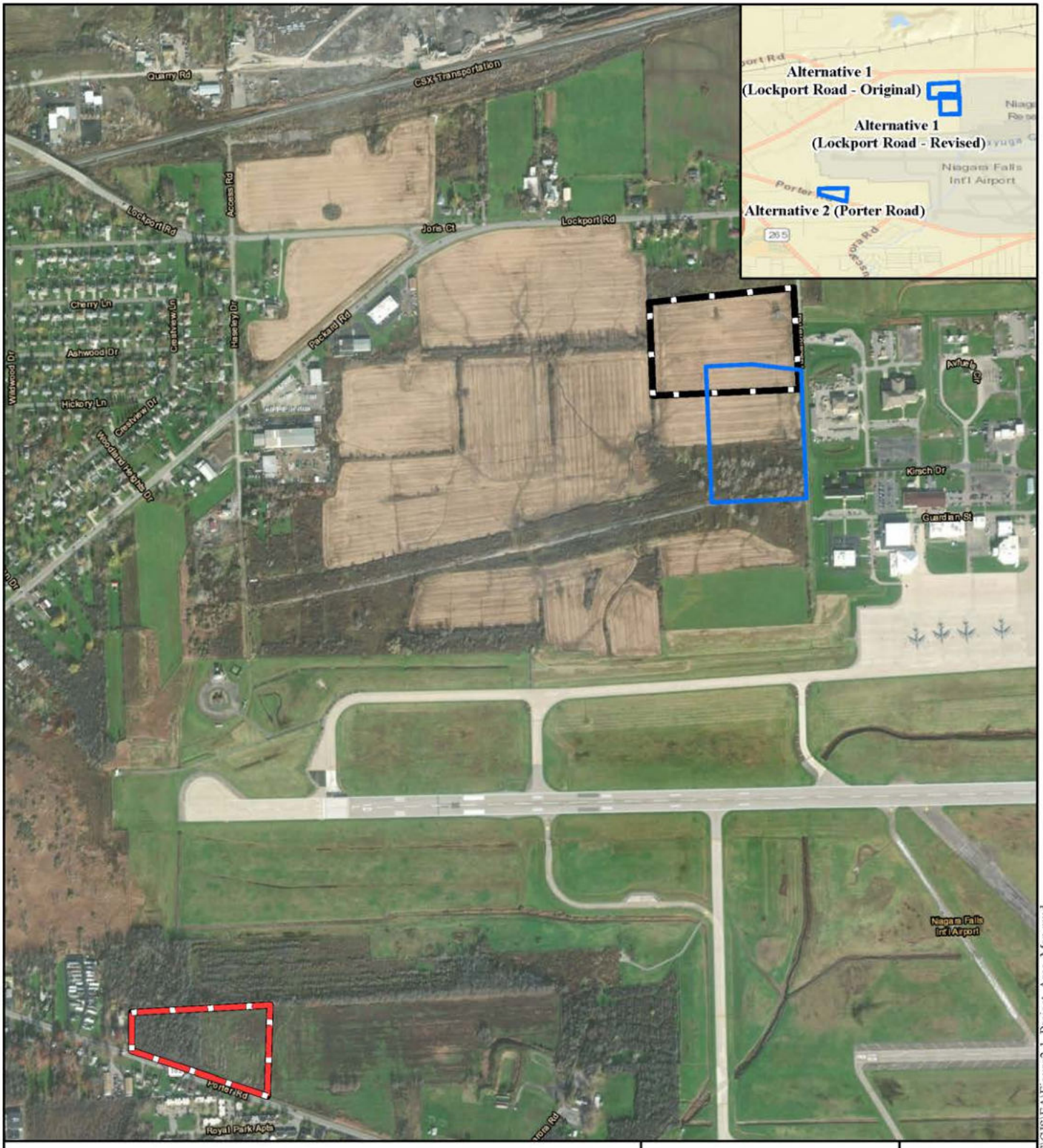
2.1 PROPOSED ACTION

The Proposed Action would construct a new Niagara Falls BPS within the town limits of Niagara, New York (see Figure 2-1). The proposed action location alternatives evaluated in this EA are sufficient in size to construct the BPS main administrative building and associated infrastructure including a heliport, communications tower, all-terrain vehicle (ATV)/snowmobile storage facility, government-owned vehicles (GOV) and privately owned vehicle (POV) parking area, enclosed GOV parking area, fuel island, and a marine patrol storage. Following the construction of the new Niagara Falls BPS, the existing facility would be returned to U.S. General Services Administration (GSA) for eventual sale or disposal. The two location alternatives that CBP are evaluating as part of this EA are discussed below in Section 2.2.

2.1.1 Proposed Station Design

The proposed station will accommodate up to 50 personnel to meet current and future labor demands and objectives of the USBP Niagara Falls Station's AOR. Additionally, the site would have the capability to house the vehicles, animals, equipment, and other materials necessary to meet the objectives of the Niagara Falls BPS. The proposed station design and construction would result in the Niagara Falls BPS meeting USBP facilities guidelines and security standards. The new facilities are being designed in accordance with the *Guiding Principles for Sustainable Federal Buildings: New Construction and Modernization* and will meet Metrics 1 to 20 of this regulatory document (U.S. Department of Energy [DOE] 2020).

The primary building constructed on-site would be an approximately 18,030 square-foot (sq ft), main building and 21,900 sq ft of support space. The BPS would include the following spaces: administration offices, break area, detention, fitness, male and female locker rooms, mechanical/electrical/plumbing equipment space, short stay kennel to accommodate two (2) canines, emergency generator, enhanced lighting and communication tower, a perimeter fence, compliant access controls and surveillance systems, and a station tower.



Legend

- Alternative 1 (Lockport Road - Revised)
- Alternative 1 (Lockport Road - Original)
- Alternative 2 (Porter Road)

N

0 500 1,000 Feet

0 100 200 Meters

GSRC

August 2022

Figure 2-1. Project Area Map

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Ancillary Options within the support space include:

1. Enclosed parking to accommodate 33 vehicles and ATV/snowmobile storage to accommodate six (6) vehicles;
2. Vehicle maintenance bays, vehicle wash rack, weapons cleaning, facility maintenance and mechanic staff building, and sensor maintenance shop;
3. Heliport;
4. Fuel island; and
5. Boat/marine storage for four (4) vessels.

The marine patrol storage would include storage for four (4) boats. A one-bay car wash would include a vacuum and pre-wash.

Approximately 50 percent of the parking spaces would be set-aside for GOV and other specialized vehicles, including heavy equipment. The station would have a canine patrol facility with two kennels for canines.

Also included in the proposed new station is a helicopter pad. It is anticipated that no more than one landing/take-off event would occur per day.

Other site elements include a 100-foot-high self-supporting radio tower with a communications space in the main building. Public power, water and septic systems, communication systems, and gas utilities would be utilized by the BPS. The entire facility would be provided with automatically controlled emergency back-up power, as well as an uninterruptible power system for critical loads.

2.2 ALTERNATIVES CONSIDERED

Two location alternatives and the No Action Alternative, as required by CEQ, are evaluated in this EA. The alternative descriptions are presented in the following paragraphs.

2.2.1 Alternative 1: Lockport Road Alternative (Preferred Alternative)

The Lockport Road Alternative consists of a 50.3-acre parcel of land located south of Lockport Road (see Figure 2-1) and is CBP's preferred alternative. This tract is located within a Heavy Industrial zone and is suitable for use as the new Niagara Falls BPS. This tract was formerly agricultural land and is now classified as Vacant Land Located in Industrial Areas. It consists of primarily open fields and wooded areas. Although this parcel is 50.3 acres, CBP has opted to evaluate approximately 16.7 acres (Alternative 1 – Original) and 15.45 acres (Alternative 1 – Revised) of the tract for siting purposes (see Figure 2-1). Both of these smaller parcels share similar resources. Descriptions of resources and the affected environment presented in Section 3 are applicable to both parcels unless specified otherwise. This alternative is situated on land previously approved as part of a 217-acre New York State Certified Shovel Ready Site suitable for manufacturing/machining, light assembly, warehousing, cargo/freight logistics, research and development, and back-office operations. A subdivision approval from the Town of Niagara would be required prior to the purchase of this property. Also, due to the close proximity of the Lockport Road Alternative to the Niagara Falls International Airport, CBP will submit FAA

Form 7460-1 prior to the start of construction to ensure compliance with FAA guidelines. If Alternative 1 is chosen, CBP would acquire the 15.45-acre parcel via a purchase from the private landowner.

2.2.2 Alternative 2: Porter Road Alternative

The Porter Road Alternative is located along Porter Road, east of U.S. Interstate 190. The 10.6-acre tract is located towards the northwest end of Porter Road near the Niagara Falls International Airport and residential housing (see Figure 2-1). This tract consists of a mix of open fields and wooded area. It is zoned for Business; thus, the new Niagara Falls BPS would be an applicable building for this zone. If Alternative 2 is chosen, CBP would acquire the land parcel via a purchase from the private landowner.

2.3 NO ACTION ALTERNATIVE

The No Action Alternative would preclude the construction, operation, and maintenance of a new station. The existing station would continue to be inadequate for the support of operations within the Niagara Falls AOR and would have to accommodate the projected increase in USBP agents but would not be able to do so while operating in an effective manner. Consequently, this alternative would hinder USBP's ability to respond to high-levels of illegal border-related activity. The No Action Alternative does not meet the purpose and need for the Proposed Action, but will be carried forward for analysis, as required by CEQ regulations. The No Action Alternative describes the existing conditions in the absence of the Proposed Action.

2.4 ALTERNATIVES SUMMARY

The three alternatives selected for further analysis are the two location alternatives and the No Action Alternative. Alternative 1 (Lockport Road) is CBP's Preferred Alternative for the proposed project. Alternative 1 fully meets the purpose of and need for the project, and the preferred construction site offers the best combination of terrain, environment, land ownership, and operational requirements to serve as a command center for conducting USBP's operations within the Niagara Falls AOR. An evaluation of how the location alternatives meet the project's purpose and need is provided in Table 2-1.

Table 2-1. Alternatives Matrix of Purpose of and Need for Alternatives

Purpose and Need	Alternative 1 (Preferred Alternative)	Alternative 2	No Action Alternative
Appropriate facilities to allow the USBP to operate more efficiently, safely, and securely - resulting in more effective deployment of required assets in the AOR to prevent illegal activities - and ensure chain of custody.	Yes	Yes	No
Facilities that will enable USBP to attain and maintain compliance with standards, regulations, and mandates.	Yes	Yes	No
Facilities will enable the USBP to provide safer handling of detainees with dedicated and isolated air supply systems, separation from secured storage areas, including weapons storage, and will result in overall safer operations	Yes	Yes	No

Purpose and Need	Alternative 1 (Preferred Alternative)	Alternative 2	No Action Alternative
Provide additional space and facilities for expansion of the station for 50-agents, plus support staff.	Yes	Yes	No
Provide facilities necessary for increased effectiveness of USBP agents in the performance of their duties (e.g., vehicle parking, detention and processing space, short stay canine kennels, associated marine facilities, helicopter pad, and communication tower)	Yes	Yes	No
Provide an opportunity for future expansion as necessary	Yes	Yes	No

2.5 RECENT, ONGOING, AND REASONABLY FORESEEABLE PROJECTS WITHIN THE GEOGRAPHIC BASELINE OF THE PROPOSED ACTION

Recent, ongoing, and reasonably foreseeable proposed projects were identified in the development of this EA. These projects include CBP projects, as well as other agencies that could have projects within the geographic baseline of the Proposed Action. If a proposed project presumptively would have effects that are reasonably foreseeable and have a close causal relationship with the Proposed Action or alternatives it is included in the affected environment and consequences section of this EA. However, if the effects of the proposed project are remote in time, geographically remote, or would be a result of a lengthy causal chain the proposed project was not included in the affected environment and consequences section of this EA per 40 CFR §1508.1(g).

The following projects were reviewed and CBP has determined that the effects of these projects are remote in time, geographically remote, or would be a result of a lengthy causal chain and are not included in the environmental consequences section of this EA.

CBP Projects

- The proposed construction of permanent RVSS towers, and the colocation of equipment on existing buildings to provide long-term, permanent surveillance in the USBP Swanton Sector.
- Expansion and modernization of the U.S. land port of entry at Alexandria Bay, New York; the sixth busiest crossing for U.S.-bound commercial traffic, on Wellesley Island in the western straits of the St. Lawrence River.
- Construction of a new BPS in the Wellesley Island Station's AOR.

CBP determined not to include these ongoing and planning projects for discussion in the environmental consequences section of this EA because the potential effects of these projects are geographically remote (i.e., over 20 miles), remote in time, or the result of a lengthy causal chain when considering effects relating to the Proposed Action.

Other Agency Projects

In 2016, the New York State Office of Parks, Recreation and Historic Preservation, in partnership with the NYSDOT, the City of Niagara Falls, Empire State Development, and the New York Power Authority (NYPA), began conducting a project to remove a portion of the Robert Moses Parkway from Main Street to Findlay Drive, almost two miles, to help restore the natural ecology of the Niagara Gorge rim and the reconstruction of local streets immediately adjacent to the parkway. NYSDOT has multiple current and future projects scheduled to improve pedestrian safety and accessibility throughout Niagara County (NYSDOT 2021a). In addition, NYSDOT has several projects that began in 2020 to mill and resurface the following roadways: Niagara Street, from 1St St. to John B. Daly Boulevard.; John B. Daly Boulevard, from Buffalo Ave to Niagara Street.; New York State Route 265, from US Route 62 to New York State Route 182; New York State Route 61, from Lockport Road to NY Route 104; and the northbound U.S. Interstate 90 between NY Route 384 and NY Route 31 (NYSDOT 2021a). As of 2021, no funding or programming has been completed for any portion of these projects that is within 20 miles of the Proposed Action; therefore, the potential effects from the improvements near the proposed BPS are considered remote in time and would be from a lengthy causal chain.

3.0 AFFECTED ENVIRONMENT AND CONSEQUENCES

3.1 PRELIMINARY IMPACT SCOPING

This section describes the natural and human environments that exist within the region of influence (ROI) and the potential impacts of the No Action Alternative and the Proposed Action outlined in Section 2.0 of this document. The ROI for the new Niagara Falls BPS is the town of Niagara and Niagara County, New York. The Proposed Action would be located on federal land acquired from a private seller. Only those issues that have the potential to be affected by any of the alternatives are described, per CEQ guidance (40 CFR § 1501.9 [3]).

Some topics are limited in scope due to the lack of effect from the Proposed Action on the resource or because that particular resource is not located within the project site (Table 3-1).

Table 3-1. Resources Analyzed in the Environmental Assessment Process

Resource	Potential to Be Affected by Implementation of the Proposed Action	Analyzed in This EA	Rationale for Elimination
Wild and Scenic Rivers	No	No	No rivers designated as Wild and Scenic Rivers (16 U.S.C. § 551, 1278[c], 1281[d]) are located within or near the project site
Land Use	Yes	Yes	Not Applicable
Geology	No	No	No geologic resources would be affected
Soils	Yes	Yes	Not Applicable
Prime Farmlands	Yes	Yes	Not Applicable
Water Resources	Yes	Yes	Not Applicable
Floodplains	Yes	Yes	Not Applicable
Vegetative Habitat	Yes	Yes	Not Applicable
Wildlife Resources	Yes	Yes	Not Applicable
Threatened and Endangered Species	No	Yes	Not Applicable
Cultural, Archaeological, and Historical Resources	No	Yes	Not Applicable
Air Quality	Yes	Yes	Not Applicable
Noise	Yes	Yes	Not Applicable
Utilities and Infrastructure	Yes	Yes	Not Applicable
Radio Frequency Environment	Yes	Yes	Not Applicable
Roadways and Traffic	Yes	Yes	Not Applicable
Aesthetic and Visual Resources	No	No	No aesthetic or visual resources would be affected
Hazardous Materials	Yes	Yes	Not Applicable

Resource	Potential to Be Affected by Implementation of the Proposed Action	Analyzed in This EA	Rationale for Elimination
Unique and Sensitive Areas	No	No	No unique or sensitive areas would be affected
Socioeconomics	No	Yes	Not Applicable
Environmental Justice and Protection of Children	No	Yes	Not Applicable

Per 40 CFR §1508.1(g), effects are defined as changes to the human environment from the Proposed Action or alternatives that are reasonably foreseeable and have a close causal relationship to the Proposed Action or alternatives, including those effects that occur at the same time and place as the Proposed Action or alternatives and may include effects that are later in time or farther removed in distance from the Proposed Action or alternatives.

For this EA, per 40 CFR §1508.1(g) effects are not considered if they are remote in time, geographically remote, or would be a result of a lengthy causal chain. They were also not considered if CBP has no ability to prevent the effect or if the effect would occur regardless of the Proposed Action. Also, per 40 CFR §1501.3(b)(2), CBP has considered as appropriate to the Proposed Action whether effects would be short-term, long-term, beneficial or adverse. CBP also considered the effects on public health and safety and whether effects would violate federal, state, tribal, or local law protecting the environment.

Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment), social, or health effects. Effects may also include those resulting from actions that may have both beneficial and detrimental effects, even if on balance the agency believes that the effect would be beneficial. As discussed in this section, the alternatives may create temporary, short-term, long-term, or permanent effects.

Whether an effect is significant depends on the potentially affected environment and degree of effects of the action (1501.3(b)). The potentially affected environment refers to the setting in which the impact occurs and may include society as a whole, the affected region, the affected interests, and the locality. Effects on each resource can vary in degree or magnitude from a slightly noticeable change to a total change in the environment. For the purpose of this analysis, the intensity of effects would be classified as negligible, minor, moderate, or major. The intensity thresholds are defined as follows:

- Negligible: A resource would not be affected or the effects would be at or below the level of detection, and changes would not be of any measurable or perceptible consequence.
- Minor: Effects on a resource would be detectable, although the effects would be localized, small, and of little consequence to the sustainability of the resource. Mitigation measures, if needed to offset adverse effects, would be simple and achievable.

- Moderate: Effects on a resource would be readily detectable, long-term, localized, and measurable. Mitigation measures, if needed to offset adverse effects, would be extensive and likely achievable.
- Major: Effects on a resource would be obvious and long-term, and would have substantial consequences on a regional scale. Mitigation measures to offset the adverse effects would be required and extensive, and success of the mitigation measures would not be guaranteed.

The following discussions describe and, where possible, quantify the potential effects of each alternative on the resources within or near the project site. It is assumed that the entire tract of land where the Proposed Action is located would be used by CBP resulting in a permanent impact of 15.45 acres (Lockport Road Alternative) or 10.6 acres (Porter Road Alternative). The Alternative 1 parcel analyzed in this Final EA contains similar resources as the original Lockport Road Alternative (16.7 acres) that was analyzed in the Draft EA. Descriptions of resources and the affected environment presented below are applicable to the 15.45-acre parcel. All construction activities, staging areas, and final siting of the various BPS components would occur within either of these tracts of land.

3.2 LAND USE

Niagara County encompasses approximately 729,600 acres, with 54 percent of the county being classified as water. Of the 337,000 acres of land in the county, 34 percent of the land is categorized as residential, and 30 percent is classified as agricultural land (Niagara County 2009). A total of 690 farms are located within Niagara County, and these farms comprise nearly 140,259 acres. Eighty-three percent of the farms in Niagara County are classified as cropland for the production of hay, corn, soybeans, and wheat; nine percent of farms are used for woodland; two percent of farms are being used as pastureland; and the remaining six percent of farms are classified as other (USDA 2017). The land uses at each of the potential sites considered are described below.

The current land use at the Lockport Road Alternative site is vacant land. Nearby existing land use includes residential communities and agriculture. The Niagara Falls Air Reserve Station is also immediately adjacent to this property.

The existing land use at the Porter Road Alternative site is vacant forested land with wetlands located on the western portion of the property. Nearby existing land use includes residential communities, the Niagara Falls International Airport to the north, and forested land.

3.2.1 Alternative 1: Lockport Road Alternative

Implementation of the Lockport Road Alternative would result in a change from the current land use of agriculture to a developed area in the form of the new Niagara Falls BPS. The closest developed area is Niagara, New York, and the proposed site falls within the town limits. Adjacent land uses include residential housing agriculture, and industrial, with the closest residential area found immediately north of the proposed site. Although the Proposed Action would convert approximately 15.45 acres of agricultural land to a developed use, much of the AOR even if developed near the Proposed Action would remain undeveloped agricultural land.

The Proposed Action would have long-term, moderate impacts on land use within the immediate or surrounding areas.

3.2.2 Alternative 2: Porter Road Alternative

Implementation of the Porter Road Alternative would result in a change from the current land use of forested land to a developed area in the form of the new Niagara Falls BPS. The closest developed area is Niagara, New York, and the proposed site falls within the town limits. Adjacent land uses include residential housing and the Niagara Falls International Airport, the proposed site is located within the town limits of Niagara with the closest residential area located immediately adjacent to the south and west of the proposed site. Although the Proposed Action would convert approximately 10.6 acres of undeveloped land to a developed use, much of the AOR even if developed near the Proposed Action would remain agricultural land and residential housing. Of the 10.6 acres at this site, approximately 5 acres of undeveloped forest land and 5.6 acres of successional old field habitat would be permanently converted into developed land. The Proposed Action would have long-term, moderate impacts on land use within the immediate or surrounding areas.

3.2.3 Alternative 3: No Action Alternative

The No Action Alternative would have no impacts, either beneficial or detrimental, on the area's land use. No construction activities would occur as part of the No Action Alternative; therefore, no land use impacts would occur.

3.3 SOILS

The Farmland Protection Policy Act (FPPA) of 1980 and 1995 was established to preserve the nation's farmland. In Section 7 of CFR Part 657.5, prime farmlands are defined as having the best combinations of physical and chemical properties to produce fiber, animal feed, and food, and are available for these uses. Under CFR Part 658.3 of the FPPA, ''Farmland'' does not include land already in or committed to urban development or water storage. There are two soil types associated with the new Niagara Falls BPS site, Odessa silty clay loam, 0 to 3 percent slopes and Lakemont silty clay loam, 0 to 3 percent slopes. Of the two soil types associated with the new Niagara Falls BPS, there is one that is considered prime farmland and one considered farmland of statewide importance.

Odessa silty clay loam, 0 to 3 percent slopes (OdA), is the only soil located within the 15.45-acre Lockport Road site. The Odessa soils are typically very deep, somewhat poorly drained soils formed in red, clayey lacustrine deposits and are found in moderately low areas on lake plains and valley terraces (USDA 2016). Cleared areas are used for growing hay, corn, and small grains, or are used for pasture. Forested areas in this soil complex contain sugar and red maple (*Acer saccharum* and *A. rubrum*), red oak (*Quercus rubra*), and other associated northern hardwoods (USDA 2020). This soil is considered prime farmland if drained.

Lakemont silty clay loam, 0 to 3 percent slopes (Lc), is the only soil located within the 10.6-acre Porter Road site. The Lakemont soils consist of deep, poorly drained and very poorly drained soils of lake plains. They are nearly level soils formed in very slowly permeable reddish colored clayey lacustrine sediments (USDA 2004). Areas containing this soil that have been drained are

used mainly for growing hay or pasture, and some corn or small grains. Some undrained areas are pastured, but most are idle or in woods containing American elm (*Ulmus americana*), black ash (*Fraxinus nigra*), red maple, and alder (*Alnus* sp.) (USDA 2020). This soil is considered "farmland of statewide importance."

3.3.1 Alternative 1: Lockport Road Alternative

Under the Proposed Action, approximately 15.45 acres of OdA series soil (which is considered prime farmland if drained) would be permanently disturbed or removed from biological production at the new BPS. During consultation with the Natural Resources Conservation Service (NRCS), it was determined that the Lockport Road site is exempt from the FPPA provision as the site falls within the boundary for urban area as defined by the U.S. Census Bureau (Buffalo, NY Urbanized Area) and a Farmland Conversion Impact Rating, Form AD 1006, was deemed not necessary for this project (Appendix A). Per guidance provided by NRCS, CBP has determined that this alternative would be in compliance with the FPPA. The effects from the disturbance and removal from biological production of approximately 15.45 acres of soil would be negligible due to the small size of the project footprint relative to the amount of the same soils throughout the ROI. Upon completion of construction, all temporary disturbance areas would be revegetated with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally, if applicable.

Pre- and post-construction SWPPP measures would be implemented to control soil erosion. The permanent impact on 15.45 acres of soils from the Proposed Action would result in a long term, minor effect.

3.3.2 Alternative 2: Porter Road Alternative

Under the Proposed Action, approximately 10.6 acres of Lc series soils (which are considered farmland of statewide importance) would be permanently disturbed or removed from biological production at the new BPS. During consultation with NRCS, the proposed site is exempt from the FPPA provision as the site falls within the boundary for urban area as defined by the U.S. Census Bureau (Buffalo, NY Urbanized Area) and a Farmland Conversion Impact Rating, Form AD 1006, was deemed not necessary for this project (Appendix A). Per guidance provided by NRCS, CBP has determined that this alternative would be in compliance with the FPPA. The effects from the disturbance and removal from biological production of approximately 10.6 acres of soil would be negligible due to the small size of the project footprint relative to the amount of the same soils throughout the ROI. Upon completion of construction, all temporary disturbance areas would be revegetated with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally, if applicable.

Pre- and post-construction SWPPP measures would be implemented to control soil erosion. The permanent impact on 10.6 acres of soils from the Proposed Action would result in a long term, minor effect.

3.3.3 Alternative 3: No Action Alternative

No ground-disturbing activities would occur as a result of this alternative. Therefore, the No Action Alternative would have no impacts, either beneficial or adverse, on soils.

3.4 VEGETATIVE HABITAT

The project site is located in the Ontario Lowlands subregion, a subset of the Eastern Great Lakes Lowlands Ecoregion, as characterized by U.S. Geological Survey (Bryce et al. 2010). This ecoregion exists along the shores of Lake Erie and Lake Ontario and mostly corresponds to the extent of the prehistoric Glacial Lake Iroquois. The Eastern Great Lakes Lowland ecoregion encompasses approximately 44,900 square miles across the lowland areas of western New York and Vermont as well as parts of Canada. This region, due to its long and somewhat irregular shape, borders many other ecoregions; in the west, this region is bordered by the Erie/Ontario Lake Plain, it is bordered to the south by the Finger Lakes Uplands and Gorges, and there is a small border to the east with the Upper St. Lawrence Valley. The region has a humid continental climate with a strong lake influence, mostly from Lake Ontario and Lake Erie, which produces more moderate temperatures, high cloud cover, and high winter snowfall. The average temperature is 47.3 degrees Fahrenheit, with an average annual precipitation is 32.62 inches (United States Forest Service [USFS] 1994). The Eastern Great Lakes Lowlands Ecoregion is a diverse ecoregion because it has elements of several converging vegetative communities which include northern hardwood forest, beech-maple forest, and elm-ash forest. It is primarily composed of relatively flat terrain that slopes downward towards the Great Lakes to the west. Much of the region was cleared for agriculture or urban development and less native forest remains than in surrounding ecoregions like the Northeastern Highlands or the Northern Allegheny Plateau (Bryce et al. 2010).

Common tree species in the area includes eastern cottonwood (*Populus deltoides*), red oak, shagbark hickory (*Carya ovata*), American hop hornbeam (*Ostrya virginiana*), paper birch (*Betula papyrifera*), sugar maple, basswood (*Tilia americana*), white ash (*Fraxinus americana*), green ash (*Fraxinus pennsylvanica),* black walnut (*Juglans nigra*), bitternut hickory (*Carya cordiformis*), and silver maple (*Acer saccharinum*) (Edinger et. al 2014). Shrubs that are most common in this ecoregion include witch hazel (*Hamamelis virginiana*), hobblebush (*Viburnum lantanoides*), maple-leaf viburnum (*Viburnum acerifolium*), lowbush blueberry (*Vaccinium pallidum*), and raspberries (*Rubus* spp.). Common vines, grasses, and wildflowers include poison ivy (*Toxicodendron radicans*), Virginia creeper (*Parthenocissus quinquefolia*)*,* New England aster (*Symphyotrichum novae-angliae*) yellow trout lily (*Erythronium americanum*), large white trillium (*Trillium grandiflorum*), woodferns (*Dryopteris intermedia, D. carthusiana, D. marginalis*), common wood-sorrel (*Oxalis montana*), Pennsylvania sedge (*Carex pensylvanica*), jack-in-the-pulpit (*Arisaema triphyllum*), white snakeroot (*Ageratina altissima* var. *altissima*), violets (*Viola* spp.), and mayapple (*Podophyllum peltatum*) (Edinger et. al 2014). A complete list of flora species observed during biological surveys of the Niagara Falls BPS is included in Table 3-2.

Within the Lockport Road site, three vegetation communities were found during the biological surveys conducted in April 2021: successional southern hardwoods community (4 percent), cropland (95 percent), and ditch/artificial intermittent stream (1 percent).

Within the Porter Road site, three vegetation communities were found during the biological survey: successional southern hardwoods community (55 percent), successional old field (44 percent), and ditch/artificial intermittent stream (1 percent).

Table 3-2. Observed Flora Species of the Proposed Niagara Falls BPS

Common Name	Scientific Name	Alternative 1 (Preferred Alternative)	Alternative 2
Alfalfa	*Medicago sativa*	X	
Alternate-leaf dogwood	*Cornus alternifolia*		X
American elm	*Ulmus americana*		X
Annual meadow-grass	*Poa annua*	X	X
Bigtooth aspen	*Populus grandidentata*	X	X
Bird's foot trefoil	*Lotus corniculatus*		X
Bitter wintercress	*Barbarea vulgaris*		X
Black poplar	*Populus nigra*	X	
Boxelder maple	*Acer negundo*	X	X
Broadleaf cattail	*Typha latifolia*	X	X
Catchweed bedstraw	*Galium aparine*		X
Catnip	*Nepeta cataria*	X	
Common buckthorn	*Rhamnus cathartica*	X	X
Common chokecherry	*Prunus virginiana*	X	X
Common dandelion	*Taraxacum officinale*	X	X
Common groundsel	*Senecio vulgaris*	X	
Callery pear	*Pyrus calleryana*	X	
Common privet	*Ligustrum vulgare*	X	
Common reed	*Phragmites australis*	X	X
Common soliva	*Soliva sessilis*	X	
Common St. John's wort	*Hypericum perforatum*	X	
Creeping thistle	*Cirsium arvense*	X	
Cutleaf teasel	*Dipsacus laciniatus*		X
Cut-leaved toothwort	*Cardamine concatenata*		X
Eastern cottonwood	*Populus deltoides*	X	X
Garlic mustard	*Alliaria petiolata*		X
Grey willow	*Salix cinerea*	X	X
Lesser periwinkle	*Vinca minor*		X
Mayapple	*Podophyllum peltatum*		X
Multiflora rose	*Rosa multiflora*		X
Northern red oak	*Quercus rubra*	X	X
Paper birch	*Betula papyrifera*		X
Purple loosestrife	*Lythrum salicaria*	X	X
Red deadnettle	*Lamium purpureum*		X
Reed canary grass	*Phalaris arundinacea*	X	X
Silver maple	*Acer saccharinum*		X
Squirrel corn	*Dicentra canadensis*		X
Sugar maple	*Acer saccharum*	X	X
White avens	*Geum canadense*	X	X
White clover	*Trifolium repens*	X	
White oak	*Quercus alba*	X	X

Common Name	Scientific Name	Alternative 1 (Preferred Alternative)	Alternative 2
Wild carrot	*Daucus carota*	X	X
Wild cherry	*Prunus avium*	X	
Wild garlic	*Allium vineale*		X
Wild strawberry	*Fragaria vesca*	X	
Wild teasel	*Dipsacus fullonum*	X	X
Yellow trout lily	*Erythronium americanum*		X

Source: CBP 2021b

3.4.1 Alternative 1: Lockport Road Alternative

The Proposed Action would have a permanent, minor impact on vegetation in the project site. Approximately 15.45 acres of successional Eastern Great Lakes Lowland vegetative community that has previously been cleared for agricultural use would be permanently impacted as a result of the construction of the proposed BPS. The Eastern Great Lakes Lowland vegetative community that would be impacted by the construction of the proposed BPS is both locally and regionally common, and the permanent loss of the limited amount of acreage would not adversely affect the population viability of any plant species in the region.

In order to ensure that the Proposed Action does not actively promote the establishment of non-native and invasive species in the area, best management practices (BMPs), described in Section 4.0, would be implemented to minimize the spread and reestablishment of nonnative vegetation. Upon completion of construction, all temporary disturbance areas would be revegetated with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally. These BMPs, as well as measures protecting vegetation in general, would reduce potential impacts from non-native invasive species to a negligible amount.

3.4.2 Alternative 2: Porter Road Alternative

Under the Porter Road Alternative, the proposed Niagara Falls BPS would have the same impacts on the vegetative habitat as described above. Approximately 10.6 acres of forested Eastern Great Lakes Lowland vegetative community would be permanently impacted as a result of the construction of the proposed BPS. In order to ensure that the Proposed Action does not actively promote the establishment of non-native and invasive species in the area, BMPs, described in Section 4.0, would be implemented to minimize the spread and reestablishment of nonnative vegetation.

3.4.3 Alternative 3: No Action Alternative

Under the No Action Alternative, no impacts on vegetative habitat would occur as construction activities would not be completed.

3.5 WILDLIFE RESOURCES

The ROI is within the Erie and Ontario Lake Plain section of the Eastern Broadleaf Forest (Continental) Province (USFS 2015). Common mammals within this province include the coyote (*Canis latrans*), white-tailed deer (*Odocoileus virginianus*), raccoon (*Procyon lotor*), red

fox (*Vulpes vulpes*), bobcat (*Lynx rufus*), striped skunk (*Mephitis mephitis*), eastern cottontail (*Sylvilagus floridanus*), eastern gray squirrel (*Sciurus carolinensis*), groundhog (*Marmota monax*), eastern chipmunk (*Tamias striatus*), American beaver (*Castor canadensis*), American mink (*Neovison vison*), fox squirrel (*Sciurus niger*), American red squirrel (*Tamiasciurus hudsonicus*), Virginia opossum (*Didelphis virginiana*), meadow vole (*Microtus pennsylvanicu*s), deer mouse (*Peromyscus maniculatus*), and big brown bat (*Eptesicus fuscus*) (USFS 1994).

Bird species are abundant in this region as the Mississippi and Atlantic flyways converge in western New York. Approximately 380 species and 25 subspecies of birds have been recorded in this region. The Niagara River corridor is a major north-south travel route for many species of migratory birds. It is a wintering and staging area for globally significant numbers of Bonaparte's gull (*Chroicocephalus philadelphia*) (20 percent of the world population), herring gull (*Larus argentatus*), canvasback (*Aythya valisineria*), and common merganser (*Mergus merganser*) (over 10 percent of their world populations); and for many state-listed bird species at risk including common tern (*Sterna hirundo*), scaup (*Aythya* spp.), and common goldeneye (*Bucephala clangula*) (Knapton and Weseloh 1999). Other common birds that frequent western New York include common loon (*Gavia immer*), cedar waxwing (*Bombycilla cedrorum*), downy woodpecker (*Dryobates pubescens*), ring-billed gull (*Larus delawarensis*), great blue heron (*Ardea herodias*), great egret (*Ardea alba*), American kestrel (*Falco sparverius*), American woodcock (*Scolopax minor*), mourning dove (*Zenaida macroura*), eastern wood-peewee (*Contopus virens*), red-eyed vireo (*Vireo olivaceus*), common yellowthroat (*Geothlypis trichas*), rose-breasted grosbeak (*Pheucticus ludovicianus*), song sparrow (*Melospiza melodia*), and Baltimore oriole (*Icterus galbula*) (Knapton and Weseloh 1999).

Common reptiles and amphibians include snapping turtle (*Chelydra serpentina*), painted turtle (*Chrysemys picta*), common slider (*Trachemys scripta*), ring-necked snake (*Diadophis punctatus*), common garter snake (*Thamnophis sirtalis*), eastern milksnake (*Lampropeltis triangulum*), common watersnake (*Neroida sipedon*), Dekay's brownsnake (*Storeria dekayi*), Allegheny Mountain dusky salamander (*Desmognathus ochrophaeus*) eastern red-backed salamander (*Plethodon cinereus*), blue-spotted salamander (*Ambystoma laterale*), American toad (*Anaxyrus americanus*), green frog (*Lithobates clamitans*), American bullfrog (*Lithobates catesbeianus*), and northern leopard frog (*Lithobates pipiens*) (USFS 1994).

A list of wildlife species observed during biological surveys is included in Table 3-3.

Table 3-3. Observed Wildlife Species of the Proposed Niagara Falls BPS

Common Name	Scientific Name	Alternative 1 (Preferred Alternative)	Alternative 2
Birds			
American crow	*Corvus brachyrhynchos*	X	X
American robin	*Turdus migratorius*	X	X
Black-capped chickadee	*Poecile atricapillus*	X	X
Blue jay	*Cyanocitta cristata*		X
Brown-headed cowbird	*Molothrus ater*	X	

Common Name	Scientific Name	Alternative 1 (Preferred Alternative)	Alternative 2
Canada goose	*Branta canadensis*	X	X
Cedar waxwing	*Bombycilla cedrorum*		X
Chipping sparrow	*Spizella passerina*		X
Common grackle	*Quiscalus quiscula*	X	
Common raven	*Corvus corax*	X	X
Cooper's hawk	*Accipiter cooperii*	X	
Downy woodpecker	*Picoides pubescens*		X
Eastern bluebird	*Sialia sialis*		X
European starling	*Sturnus vulgaris*	X	
Gray catbird	*Dumetella carolinensis*	X	
Killdeer	*Charadrius vociferus*	X	
Northern cardinal	*Cardinalis cardinalis*	X	X
Red-bellied woodpecker	*Melanerpes carolinus*		X
Red-tailed hawk	*Buteo jamaicensis*		X
Red-winged blackbird	*Agelaius phoeniceus*	X	X
Ring-billed gull	*Larus delawarensis*		X
Rock pigeon	*Columba livia*	X	
Song sparrow	*Melospiza melodia*	X	X
Mammals			
Eastern gray squirrel	*Sciurus carolinensis*	X	X
Eastern cottontail	*Sylvilagus floridanus*	X	
White-tailed deer	*Odocoileus virginianus*	X	X
Insects			
Eastern boxelder beetle	*Boisea trivittata*		X
Seven-spotted lady beetle	*Coccinella septempunctata*	X	

Source: CBP 2021b

3.5.1 Alternative 1: Lockport Road Alternative

The permanent loss of approximately 15.45 acres would have a long-term, negligible impact on wildlife. This site is primarily an agricultural field that has been cleared of natural vegetation; therefore, the wildlife habitat available is minimal and would not be greatly impacted by the proposed construction. Soil disturbance and operation of heavy equipment could result in the reasonably foreseeable impact to less mobile individuals such as lizards, snakes, and ground-dwelling species such as mice and rats. However, most wildlife would avoid any harm by escaping to surrounding habitat. The degradation and loss of habitat could also impact burrows and nests, as well as cover, forage, and other important wildlife resources. The loss of these resources would result in the displacement of individuals that would then be forced to compete with other wildlife for the remaining resources. Although this competition for resources could result in a reduction of total population size, such a reduction would be extremely minimal in

relation to total population size and would not result in long-term effects on the sustainability of any wildlife species. The wildlife habitat present in the project site is both locally and regionally common, and the permanent loss of approximately 15.45 acres of wildlife habitat would not adversely affect the population viability or fecundity of any wildlife species in the region. Additionally, upon completion of construction, all temporary disturbance areas would be revegetated with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally.

The Migratory Bird Treaty Act (MBTA) requires that federal agencies coordinate with USFWS if a construction activity would result in the "take" of a migratory bird. In accordance with compliance measures of the MBTA, BMPs identified in Section 4.0 would be implemented if construction or clearing activities were scheduled during the nesting season (typically March 1 to September 1).

Lighting would attract or repel various wildlife species within the vicinity of the project site. The presence of lights within the project site could also produce some long-term behavioral effects, although the magnitude of these effects is not presently known. Some species, such as insectivorous bats, may benefit from the concentration of insects that would be attracted to the lights. Continual exposure to light has been proven to slightly alter circadian rhythms in mammals. Studies have demonstrated that under constant light, the time an animal is active, compared with the time it is at rest, increases in diurnal animals, but decreases in nocturnal animals (Carpenter and Grossberg 1984). Outdoor lighting can disturb flight, navigation, vision, migration, dispersal, oviposition, mating, feeding and crypsis in some moths. In addition, it may disturb circadian rhythms and photoperiodism (Frank 1988). It has also been shown that, within several weeks under constant lighting, mammals and birds would quickly stabilize and reset their circadian rhythms back to their original schedules (Carpenter and Grossberg 1984). While the number of lights within the boundary of the proposed BPS site is not presently known, artificial lighting concentrated around a single 15.45-acre developed area would minimally disrupt activities of wildlife populations across the region, since similar habitat is readily available to the north, east, west, and south for wildlife relocation. Lighting BMPs would be applied to all outdoor lighting once construction is complete, further minimizing the potential impacts. Finally, construction activities would be limited primarily to daylight hours, whenever possible; therefore, construction impacts on wildlife would be minimal since the highest period of movement for most wildlife species occurs during night-time or low daylight hours.

Periodic noise from construction activities and subsequent operational activities, such as helicopter takeoffs and landings, would have moderate and intermittent impacts on the wildlife communities located adjacent to the project site. However, because similar habitat is readily available, wildlife would easily relocate. Vehicle traffic on Lockport Road currently influences the behavioral responses of wildlife in the area. Upon completion of the proposed BPS, the number of vehicles would increase slightly, yet would not result in a substantial increase in vehicle noise. A behavioral response to noise varies among species of animals and even among individuals of a particular species. Variations in response may be due to temperament, sex, age, or prior experience. Minor responses include head-raising and body-shifting, and usually, more disturbed mammals would travel short distances. Panic and escape behavior results from more severe disturbances, causing the animal to leave the area (Fletcher and Busnel 1978). Over the

long term, wildlife populations that have not already habituated to noise generated by Lockport Road would adapt to the normal operations conducted at the new BPS and would typically avoid human interaction. BMPs as outlined in Section 4.0 would reduce noise associated with operation of the construction equipment and everyday vehicle traffic associated with the new BPS.

USFWS *Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning* (USFWS 2018) would be implemented to reduce nighttime atmospheric lighting and the potential adverse effects of nighttime lighting on migratory bird and nocturnal flying species.

There is a possibility that the proposed communications tower could pose hazards to migratory birds and even some bird mortality through bird strikes with the tower. The loss of a few individual birds from the tower operation would not adversely affect the population viability or fecundity of bird species in the region. The number and extent of bird strikes in relation to the size of migratory bird populations and the extent of the migratory flyway would be minor and would not affect sustainability of migratory bird populations in the region. The Proposed Action would, however, have a long-term, negligible adverse effect on migratory birds.

BMPs would be implemented to reduce disturbance and loss of wildlife such as surveys prior to construction activities scheduled during the nesting season and covering or providing an escape ramp for all steep-walled holes or trenches left open at the end of the construction workday. The proposed communications tower could provide raptor perch and nesting sites, but BMPs would also be used to discourage this activity.

3.5.2 Alternative 2: Porter Road Alternative

Under the Porter Road Alternative, the proposed Niagara Falls BPS would have similar impacts on the wildlife resources as described above. However, a much smaller impact to wildlife habitat would occur as only 10.6 acres of habitat would be removed. This site does contain undeveloped successional southern hardwood forests which provides habitat for numerous wildlife species. The wildlife habitat present in the project site is both locally and regionally common, and the permanent loss of approximately 10.6 acres of wildlife habitat would not adversely affect the population viability or fecundity of any wildlife species in the region.

3.5.3 Alternative 3: No Action Alternative

No wildlife or aquatic resources would be adversely affected by the No Action Alternative.

3.6 THREATENED AND ENDANGERED SPECIES

The ESA was enacted to protect and recover imperiled species and the ecosystems upon which these species (endangered and threatened) depend for their survival. All federal agencies are required to implement protective measures for designated species and to use their authorities to further the purposes of the ESA. The Secretary of the Interior and the Secretary of Commerce (marine species) are responsible for the identification of threatened or endangered species and development of any potential recovery plan. The USFWS is the primary agency responsible for implementing the ESA and is responsible for birds and other terrestrial and freshwater species.

USFWS responsibilities under the ESA include (1) the identification of threatened and endangered species; (2) the identification of critical habitats for listed species; (3) implementation of research on, and recovery efforts for, these species; and (4) consultation with other federal agencies concerning measures to avoid harm to listed species.

An endangered species is a species officially recognized by the USFWS as being in danger of extinction throughout all or a significant portion of its range. A threatened species is a species likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Proposed species are those that have been formally submitted to Congress for official listing as threatened or endangered. Species may be considered eligible for listing as endangered or threatened when any of the five following criteria occur: (1) current/imminent destruction, modification, or curtailment of their habitat or range; (2) overuse of the species for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; and (5) other natural or human-induced factors affecting their continued existence.

In addition, the USFWS has identified species that are candidates for listing as a result of identified threats to their continued existence. The candidate designation includes those species for which the USFWS has sufficient information to support proposals to list as endangered or threatened under the ESA; however, proposed rules have not yet been issued because such actions are precluded at present by other listing activity. Although not afforded protection by the ESA, candidate species may be protected under other federal or state laws.

Federally Listed Species

There is one federally listed threatened species known to occur within Niagara County (USFWS 2021), the northern long-eared bat (NLEB) (*Myotis septentrionalis*). In addition, the monarch butterfly (*Danaus plexippus*), currently a candidate for listing under the Endangered Species Act, has the potential to occur within the project area. As there are no Section 7 consultation requirements for candidate species, the monarch butterfly is not discussed below. However, the proposed action may consider incorporating habitat restoration or enhancement measures into project plans that benefits the monarch butterfly and other pollinators. Table 3-4 displays information on the species. General biological surveys were conducted in April 2021 and no state or federally listed species were observed. USFWS protocol surveys were not conducted for the NLEB. CBP has coordinated with USFWS regarding the potential impacts as they relate to the construction of the Proposed Action (see Appendix A).

Table 3-4. Federally Listed Species for Niagara County, New York.

Common Name	Status	Habitat	Potential to Occur at Site	Effect Determination
Mammals				
Northern long-eared bat (*Myotis septentrionalis*)	T	Mature, intact interior forests, as well as caves or abandoned mines for hibernation.	Yes	No effect

Source: USFWS 2021

Northern long-eared bat (*Myotis septentrionalis*)
The NLEB is a small, insectivorous bat distinguished from other Myotis species by their long ears, longer pointed tragus, large wing area, and long tail (Photograph 3-1) (USFWS 2020). They are most active at pre-dawn and dusk, and are primarily found in mature interior forests, utilizing trees as sites to roost, forage, and raise young. From late fall to early spring, the NLEB hibernates, primarily in caves or abandoned mines, which provide constant temperature and humidity (NYSDEC 2020b).

Photograph 3-1. Northern long-eared bat
(Source: USFWS)

The biggest threat to NLEB populations in New York is white-nose syndrome (WNS), a fungus that thrives in the cold environments where bats hibernate, and which has resulted in the death of millions of bats since its emergence in the U.S. in 2006 (USFWS 2020). It is estimated that only two percent of pre-WNS population of NLEB in New York remains as of 2012 (NYSDEC 2020b). As a result, the NLEB was listed by the USFWS as threatened in 2015 (USFWS 2020).

Critical Habitat
The ESA also calls for the conservation of what is termed critical habitat, the areas of land, water, and air space that an endangered species needs for survival. Critical habitat also includes such things as food and water, breeding sites, cover or shelter, and sufficient habitat area to provide for normal population growth and behavior. One of the primary threats to many species is the destruction or modification of essential habitat by uncontrolled land and water developments. No Critical Habitat is designated for the NLEB within Niagara County (USFWS 2021).

State-Listed Species
NYSDEC lists several state-listed species that may also occur within or near the project site Niagara County (NYSDEC 2020a). A total of one mammal species, 30 bird species, three species of reptiles, one species of amphibian, five species of fish, three species of invertebrates, and 47 species of plants are listed by the NYSDEC as endangered, threatened, or species of special concern with the possibility to occur within Niagara County. Appendix B has a complete list of all state-listed species with the potential to occur in Niagara County. No New York state-listed species were observed during biological surveys (NYSDEC 2020a).

3.6.1 Alternative 1: Lockport Road Alternative
Under the Lockport Road Alternative, there would be no reasonably foreseeable impacts on any threatened or endangered species or their habitat. The NLEB could potentially utilize the isolated remaining pockets of forests surrounding the town of Niagara; however, there is no suitable habitat that the bat would occupy or use at the potential project site. NLEB prefer to inhabit mature, intact interior forests with trees large enough to have a cavity or that have loose bark, which does not exist at the project site. The site is almost entirely composed of cropland that has already been cleared for agricultural use and does not have large, mature trees for NLEB to roost within. Therefore, CBP has determined that no reasonably foreseeable effects to the NLEB would occur as a result of the Proposed Action.

NYSDEC lists several state-listed species that may occur within or near the project site. Under the Proposed Action, approximately 15.45 acres of Eastern Great Lakes Lowlands vegetative habitat would be permanently impacted. Most of the vegetative habitat at this location has already been cleared for agricultural use so the effects on state-listed species would be minimal. Mobile species such as the Cooper's hawk (*Accipiter cooperii*) or grasshopper sparrow (*Ammodramus savannarum*) may be temporarily displaced by BPS construction activities; however, these highly mobile species typically utilize large expanses of suitable habitat and the effects of disturbance and alterations to small segments are likely to be minimal to negligible to populations of these species. Grubbing, digging, clearing, or ground-leveling activities at the BPS site may result in the incidental take of some individuals of more sedentary state-listed species such as the blue-spotted salamander (*Ambystoma laterale*). The impacts on sedentary state-listed species would be negligible due to the BMPs to be implemented and because of the limited amount of disturbance to habitat relative to the amount of similar habitats within the ROI.

3.6.2 Alternative 2: Porter Road Alternative
Under the Porter Road Alternative, no adverse impacts on the NLEB would occur. The site consists of previously abandoned agricultural lands with no potential habitat for the NLEB. The western edge of the site contains successional hardwood forest. This forest is not considered potential habitat as it lacks large trees with cavities, loose bark, or snags. Therefore, CBP has determined that no reasonably foreseeable effects to the NLEB would occur as a result of the Proposed Action.

The potential effects on NYSDEC state-listed species for this potential site are the same as the effects described in Section 3.6.1.

3.6.3 Alternative 3: No Action Alternative

Under the No Action Alternative, there would be no impacts on threatened or endangered species or their habitats as no construction activities would occur.

3.7 GROUNDWATER

The project area is located within the Lake Erie-Niagara River Basin in western New York. It is bordered by Lake Erie and the Niagara River on the west and extends eastward to the middle of Genesee County; this includes the area near the city of Niagara Falls where streams drain to the Niagara River. The principal bedrock aquifers in the Lake Erie-Niagara River Basin are (1) a limestone aquifer that consists of the Onondaga limestone, the Akron dolomite, and the Bertie limestone; (2) the Camillus aquifer, which consists of the Camillus shale, the Syracuse formation, and the Vernon shale; and (3) the Lockport aquifer, which consists of the Lockport dolomite (Johnston 1964).

The Lockport aquifer is the least productive of the three bedrock aquifers, but it is the source for the municipal ground water for the city of Niagara Falls. In the Niagara Falls area, yields of wells completed in the lower 40 feet of the Lockport aquifer range from 0.5 to 20 gallons per minute with an average yield of 7 gallons per minute. The Camillus aquifer, found just south of Niagara Falls, is the most productive aquifer in the basin; industrial wells completed in the aquifer in the vicinity of Buffalo and Tonawanda yield from 300 to 1,200 gallons per minute (Johnston 1964).

Dissolved constituents in the ground water in the northern part of the Lake Erie-Niagara River Basin are derived primarily from dissolution of the rocks through which the water moves. Calcite and dolomite are present throughout the basin, especially in the Lockport aquifer and limestone aquifer. Because much of the ground water contains sulfate and chloride in excess of 250 milligrams per liter, the quality of the water places a definite limitation on its usefulness (Johnston 1964).

The corridor adjacent to the Niagara River from Buffalo to Niagara Falls is highly industrialized as a result of the abundant water supply for manufacturing and power generation. The disposal of industrial wastes, either through direct discharge to the river or migration from burial sites, has degraded the quality of ground water within the Niagara River basin, the Niagara River, and Lake Ontario. More than 200 waste-disposal sites have been identified within three miles of the Niagara River, and chemical contaminants are likely to have leaked from nearly a third of these sites (Niagara River Toxics Committee 1984). The presence of groundwater contamination is complicated by complex intersecting network of fractures and tectonic faults in the bedrock of the Niagara Frontier and the Western Lake Ontario basin (Yager and Kappel 1987). The deeply fractured bedrock that underlies the Niagara Region provides a direct pathway for groundwater contaminated by dense nonaqueous-phase liquids (DNAPL) to potentially migrate from hazardous waste sites to the Niagara River and Lake Ontario (IJC 1993).

3.7.1 Alternative 1: Lockport Road Alternative

No water would be withdrawn from the local aquifers for municipal purposes as a result of this alternative; therefore, it is anticipated that impacts to ground water resources would be negligible.

Disturbed soils and hazardous substances (i.e., antifreeze, fuels, oils, and lubricants) could have the potential to impact water quality during a rain event. However, through the use of BMPs these effects would be minimized and negligible. A Construction Stormwater General Permit would be obtained prior to construction, and this would require approval of a site-specific Storm Water Pollution Prevention Plan (SWPPP). A site-specific Spill Prevention, Control and Countermeasure Plan (SPCCP) would also be in place prior to the start of construction. BMPs outlined in these plans would reduce potential migration of soils, oil and grease, and construction debris into local surface waters. Once the construction project is complete, any temporary construction footprints would be revegetated with native vegetation, as outlined in the SWPPP, which would mitigate the potential of non-point source pollution to enter local groundwaters.

3.7.2 Alternative 2: Porter Road Alternative

Under the Porter Road Alternative, the proposed Niagara Falls BPS would have the same impacts on groundwater and water quality as described above.

3.7.3 Alternative 3: No Action Alternative

Under the No Action Alternative, no construction activities would occur; therefore, no impacts to groundwater would occur.

3.8 SURFACE WATER AND WATERS OF THE UNITED STATES

The Clean Water Act (CWA) §303[d][1][A] requires that each state monitor surface waters and compile a "303[d] List" of impaired streams and lakes. The proposed BPS is located in western New York and the Niagara River Basin. As mentioned before, Niagara County encompasses approximately 729,600 acres, with 54 percent of the county being classified as water. Niagara County is bordered by three significant bodies of water and numerous smaller streams that drain both the Lake Ontario and Niagara River watersheds. Within New York State, the Niagara River watershed is approximately 1,270 square miles, largely made up of eight tributary watersheds; Tonawanda Creek, Buffalo River, Cayuga and Bergholtz Creeks, Grand Island tributaries, Smokes Creek, Scajaquada Creek, Gill Creek, and Two Mile Creek. The Cayuga Creek and its minor tributaries were listed as impaired in 1998 under the CWA Section 303d. Areas of the Cayuga Creek are less than 0.2 miles of the proposed location alternatives. The Niagara River drains approximately 263,700 square miles—the combined watersheds of four of the five Great Lakes. Average daily flow of the river is 212,000 cubic feet per second (cfs), with a range of 90,000 to 347,000 cfs depending on lake levels and wind conditions (Buffalo Niagara Riverkeeper 2008).

Municipal water for the city of Niagara Falls and the town of Niagara is provided by the Niagara Falls Water Board (NFWB) which relies on surface water from the Niagara River. The NFWB owns two treatment plants: the Michael C. O'Laughlin Water Treatment Plant, which treats and delivers an average of 17.9 million gallons per day of safe, clean drinking water; and a physical-

chemical activated carbon wastewater treatment plant that treats and discharges an average of 32.9 million gallons per day to the lower Niagara River. The annual surface waters supplied to the city of Niagara Falls in 2019 was approximately 21.5 million gallons per day, which is a total of approximately 7.8 billion gallons per year (NFWB 2019).

Development and industry in the past several hundred years have severely altered the habitat and water quality in the Niagara River. By the 1970s, there were approximately 700 chemical plants, steel mills, oil refineries and other industries discharging over 250 million gallons of wastewater into the Niagara River each day. The disposal of industrial wastes, either through direct discharge to the river or migration from burial sites, has degraded the quality of surface water within the Niagara River basin, the Niagara River, and Lake Ontario. More than 200 waste-disposal sites have been identified within three miles of the Niagara River, and chemical contaminants are likely to have leaked from nearly a third of these sites. NYSDEC has been designated by USEPA to regulate discharges pursuant to the CWA. A State Pollution Discharge Elimination System (SPDES) permit would be required for construction activities that disturb more than one acre. CBP has initiated coordination with NYSDEC as a part of this EA and will comply with necessary requirements (see Appendix A). Currently, the NYSDEC lists 12 Class 2 state superfund sites in the study area that are, or were, potential sources of contaminants to the river. Overall, the water quality of the Niagara River has improved significantly since an international coalition between the USEPA, NYSDEC, Environment and Climate Change Canada, and the Ontario Ministry of Environment, Conservation, and Parks created the Niagara River Toxics Management Plan (NRTMP) in 1987. A 2007 NRTMP Progress Report indicated that a 50 percent reduction or more for the priority toxins was met or exceeded and actions by NYSDEC and USEPA to clean up hazardous waste sites have reduced potential inputs to the river by approximately 94 percent since 1989.

Waters of the United States are defined within the CWA, and jurisdiction is addressed by USACE and USEPA. There could be temporary impacts to waters of the United States if drainage structures within agricultural ditches need replacement. Wetlands are a subset of the Waters of the United States that may be subject to regulation under Section 404 of the CWA (40 CFR 230.3). Wetlands are those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The Waters of the United States conditions at each of the potential site alternatives are discussed in the following sections.

Under Executive Order (EO) 11990 – *Protection of Wetlands*, new construction by government agencies should "avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative." Consultation with USACE was initiated to ensure that the Proposed Action would be in compliance with EO 11990 and limit any potential impacts to wetlands in the surrounding area.

3.8.1 Alternative 1: Lockport Road Alternative

Water usage for the new BPS is estimated to be approximately 5,000 gallons per day for a total of 1.85 million gallons per year. The annual surface waters supplied by the NFWB in 2019 was

approximately 21.5 million gallons per day for a total of 7.8 billion gallons per year. It should be noted that some of the water would be recycled and used for washing vehicles and other uses. Because the new BPS would only use approximately 0.0002 percent of the annual surface water available within the watershed per year, it is anticipated that impacts to water availability would be long-term and negligible.

The Proposed Action may potentially have temporary, negligible impacts on surface waters (including Cayuga Creek) as a result of increases in erosion and sedimentation during periods of construction. Disturbed soils and hazardous substances (i.e., antifreeze, fuels, oils, and lubricants) could have the potential to impact water quality during a rain event. The Lockport Road Alternative does not possess potentially jurisdictional wetlands but the revised 15.45-acre site does contain approximately 594 linear feet of potentially jurisdictional Waters of the U.S. in the form of a roadside ditch that runs along the eastern boundary of the site (CBP 2022). A SPDES and Construction Stormwater General Permit would be obtained prior to construction, and this would require approval of a site-specific SWPPP. A site-specific SPCCP would also be in place prior to the start of construction. BMPs outlined in these plans would reduce potential migration of soils, oil and grease, and construction debris into local surface waters. Once the construction project is complete, any temporary construction footprints would be revegetated with native vegetation, as outlined in the SWPPP, which would mitigate the potential of non-point source pollution to enter local surface waters. As potentially jurisdictional Waters of the United States are present within the project site, CBP would acquire permits through the USACE if it is required that they be filled; therefore, there would be no net loss of wetlands or Waters of the United States and the Proposed Action would be in compliance with EO 11990.

3.8.2 Alternative 2: Porter Road Alternative

Under the Porter Road Alternative, the proposed Niagara Falls BPS would have similar impacts on the municipal surface water resources as described above. All permits, SWPPP, BMPs, and SPCCP would be obtained and followed as described for the Lockport Road Alternative.

Portions of the Porter Road site contain potentially jurisdictional wetlands in the form of a forested wetland and Waters of the U.S. in the form of a perennial stream system that drains into the Cayuga Creek which feeds into the Niagara River outside of the project area. If this alternative were chosen, approximately 2.36 acres of wetlands and 412 linear feet of Waters of the United States would be permanently impacted (CBP 2021c). However, CBP would consult with USACE to permit the fill of these wetlands. Any adverse impacts on the aquatic environment would be offset by mitigation requirements, which may include restoring, enhancing, creating and preserving aquatic functions and values; therefore, no net loss of wetlands would occur. A long-term, minor effect on surface water resources would be anticipated under this alternative.

3.8.3 Alternative 3: No Action Alternative

Under the No Action Alternative, no construction would occur; therefore, no impacts to surface waters or waters of the United States would occur.

3.9 FLOODPLAINS

A floodplain is the area adjacent to a river, creek, lake, stream, or other open waterway that is subject to flooding when there is a major rain event. Floodplains are further defined by the likelihood of a flood event. If an area is in the 100-year floodplain, there is a 1-in-100 chance in any given year that the area will flood. Federal Emergency Management Agency (FEMA) floodplain maps were reviewed to identify if the project site is located within mapped floodplains (FEMA 2016).

Compliance with EOs 11990 – *Protection of Wetlands* and EO 11988 – *Floodplain Management* would also be incorporated into the site design. Under EO 11990 – *Protection of Wetlands*, new construction by government agencies should "avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative." Consultation with USACE was initiated to ensure that the Proposed Action would be in compliance with EO 11990 and limit any potential impacts to floodplains in the surrounding area. EO 11988 – *Floodplain Management*, states that "If an agency has determined to, or proposes to, conduct, support, or allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains."

3.9.1 Alternative 1: Lockport Road Alternative

The Lockport Road Alternative site is located outside the 100-year floodplain; there is minimal flood hazard within the entire project boundary (FEMA 2016). This alternative would not increase the risk or impact of floods on human safety, health, and welfare, or adversely impact the beneficial values that floodplains serve. Additionally, the Proposed Action would not increase the duration, frequency, elevation, velocity or volume of flood events because the project site is not located within a floodplain. Therefore, the Proposed Action would have no impacts on floodplains and would be in compliance with EO 11988.

3.9.2 Alternative 2: Porter Road Alternative

The Porter Road Alternative is in the 100-year floodplain within a Special Flood Hazard Area (SFHA) and is classified as Zone AE. SFHAs are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year (FEMA 2016). The Porter Road Alternative would have a moderate increase on the risk or impact of floods on human safety, health, and welfare, or adversely impact the beneficial values that floodplains serve. The construction of an asphalt parking lot and multiple buildings would increase the paved surfaces within the project site and increase runoff into the surrounding properties. Additionally, the Proposed Action would increase the duration, frequency, elevation, velocity, or volume of flood events because the project site is located within a SFHA due to the presence of a perennial stream and wetland complex on the western portion of the property. However, through mitigation, the facility design could be modified to minimize potential impacts on the floodplain. Therefore, the Proposed Action would have moderate impacts on floodplains that could be mitigated through the facility design in compliance with EO 11988.

3.9.3 Alternative 3: No Action Alternative

Under the No Action Alternative, no construction activities would occur; therefore, there would be no impacts on floodplains.

3.10 AIR QUALITY

The USEPA established National Ambient Air Quality Standards (NAAQS) for specific pollutants determined to be of concern with respect to the health and welfare of the general public (Table 3-5). Ambient air quality standards are classified as either "primary" or "secondary." The major pollutants of concern, or criteria pollutants, are carbon monoxide (CO), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), ozone (O_3), particulate matter less than 10 microns (PM_{10}), particulate matter less than 2.5 microns ($PM_{2.5}$), and lead (Pb). NAAQS represent the maximum levels of background pollution that are considered safe, with an adequate margin of safety, to protect the public health and welfare.

Areas that do not meet these NAAQS standards are called non-attainment areas; areas that meet both primary and secondary standards are known as attainment areas. The Federal Conformity Final Rule (40 CFR Parts 51 and 93) specifies criteria and requirements for conformity determinations of federal projects. The Federal Conformity Rule was first promulgated in 1993 by the USEPA, following the passage of Amendments to the Clean Air Act in 1990. The rule mandates that a conformity analysis be performed when a federal action generates air pollutants in a region that has been designated a non-attainment or maintenance area for one or more NAAQS.

A conformity analysis is the process used to determine whether a federal action meets the requirements of the General Conformity Rule. It requires the responsible federal agency to evaluate the nature of a Proposed Action and associated air pollutant emissions and calculate emissions that may result from the implementation of the Proposed Action. If the emissions exceed established limits, known as *de minimis* thresholds, the proponent is required to perform a conformity determination and implement appropriate mitigation measures to reduce air emissions. The USEPA has designated Niagara County as in attainment for all NAAQS (USEPA 2021).

Table 3-5. National Ambient Air Quality Standards

Pollutant	Primary Standards		Secondary Standards	
	Level	Averaging Time	Level	Averaging Time
Carbon Monoxide	9 ppm (10 mg/m^3)	8-hour [1]	None	None
	35 ppm (40 mg/m^3)	1-hour [1]	None	None
Lead	0.15 µg/m^3 [2]	Rolling 3-Month Average	Same as Primary	Same as Primary
	1.5 µg/m^3 [3]	Quarterly Average	Same as Primary	Same as Primary
Nitrogen Dioxide	53 ppb [4]	Annual (Arithmetic Average)	Same as Primary	Same as Primary
	100 ppb	1-hour [5]	None	None
Particulate Matter (PM_{10})	150 µg/m^3	24-hour [6]	Same as Primary	Same as Primary
Particulate Matter ($PM_{2.5}$)	12.0 µg/m^3	Annual [7] (Arithmetic Average)	15.0 µg/m^3	Annual [7] (Arithmetic Average)
	35 µg/m^3	24-hour [8]	Same as Primary	Same as Primary
Ozone	0.070 ppm (2015 std)	8-hour [9]	Same as Primary	Same as Primary
Sulfur Dioxide	75 ppb [10]	1-hour	0.5 ppm	3-hour [1]

Source: USEPA 2020
Units of measure for the standards are parts per million (ppm) by volume, parts per billion (ppb - 1 part in 1,000,000,000) by volume, milligrams per cubic meter of air (mg/m^3), and micrograms per cubic meter of air (µg/m^3).
[1] Not to be exceeded more than once per year.
[2] Final rule signed October 15, 2008.
[3] In areas designated nonattainment for the Pb standards prior to the promulgation of the current (2008) standards, and for which implementation plans to attain or maintain the current (2008) standards have not been submitted and approved, the previous standards (1.5 µg/m^3 as a calendar quarter average) also remain in effect.
[4] The official level of the annual NO_2 standard is 0.053 ppm, equal to 53 ppb, which is shown here for the purpose of clearer comparison to the 1-hour standard
[5] To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 100 ppb (effective January 22, 2010).
[6] Not to be exceeded more than once per year on average over 3 years.
[7] To attain this standard, the 3-year average of the weighted annual mean $PM_{2.5}$ concentrations from single or multiple community-oriented monitors must not exceed 15.0 µg/m^3.
[8] To attain this standard, the 3-year average of the 98th percentile of 24-hour concentrations at each population-oriented monitor within an area must not exceed 35 µg/m^3 (effective December 17, 2006).
[9] (a) To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average O_3 concentrations measured at each monitor within an area over each year must not exceed 0.070 ppm. (effective December 28, 2015).
(b) The previous (2008) O_3 standards (0.075 ppm) additionally remain in effect in some areas.
[10] The previous SO_2 standards (0.14 ppm 24-hour and 0.03 ppm annual) will additionally remain in effect in certain areas: (1) any area for which it is not yet 1 year since the effective date of designation under the current (2010) standards, and (2)any area for which an implementation plan providing for attainment of the current (2010) standard has not been submitted and approved and which is designated nonattainment under the previous SO_2 standards or is not meeting the requirements of a SIP call under the previous SO_2 standards (40 CFR 50.4(3)). A SIP call is an EPA action requiring a state to resubmit all or part of its State Implementation Plan to demonstrate attainment of the required NAAQS.

Greenhouse Gases and Climate Change

Global climate change refers to a change in the average weather on the earth. Greenhouse Gases are gases that trap heat in the atmosphere. These include carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), fluorinated gases including chlorofluorocarbons (CFC) and

hydrochlorofluorocarbons (HFC), and halons, as well as ground-level O_3 (California Energy Commission 2007).

3.10.1 Alternative 1: Lockport Road Alternative

Temporary and minor increases in air pollution would occur from the use of construction equipment (combustion emissions) and the disturbance of soils (fugitive dust) during construction of the BPS. Particulate emissions would occur as a result of construction activities such as vehicle trips, bulldozing, compacting, truck dumping, and grading operations. Construction activities would also generate minimal hydrocarbon, NO_2, CO_2, and SO_2 emissions from construction equipment and support vehicles. Fugitive dust would be generated during these construction activities, especially during land clearing activities. Fugitive dust and other emissions would minimally increase as a result of construction; however, these emissions would be temporary and return to pre-project levels upon the completion of construction. Emissions as a result of the Proposed Action are expected to be below the *de minimus* threshold (i.e., 100 tons per year) and therefore would be considered minor. BMPs, such as dust suppression and maintaining equipment in proper working condition would reduce the temporary construction impacts. Due to good wind dispersal conditions within the AOR and Niagara County's attainment status, impacts to air quality are expected to be minimal under the Proposed Action.

3.10.2 Alternative 2: Porter Road Alternative

Under the Porter Road Alternative, the proposed Niagara Falls BPS would have the same impacts on air quality as described above.

3.10.3 Alternative 3: No Action Alternative

The No Action Alternative would not result in any impacts on air quality because there would be no construction activities.

3.11 NOISE

Noise is generally described as unwanted sound, which can be based either on objective effects (i.e., hearing loss, damage to structures) or subjective judgments (e.g., community annoyance). Sound is usually represented on a logarithmic scale in a unit called the decibel (dB). Sound on the decibel scale is referred to as sound level. The perceived threshold of human hearing is 0 dB, and the threshold of discomfort or pain is around 120 dB (USEPA 1974). The A-weighted sound level (dBA) is a measurement of sound pressure adjusted to conform to the frequency response of the human ear.

Noise levels occurring at night generally produce a greater annoyance than do the same levels occurring during the day. It is generally agreed that people perceive intrusive noise at night as being 10 dBA louder than the same level of intrusive noise during the day, at least in terms of its potential for causing community annoyance. This perception is largely because background environmental sound levels at night in most areas are also about 10 dBA lower than those during the day. Long-term noise levels are computed over a 24-hour period and adjusted for nighttime annoyances to produce the day-night average sound level (DNL). DNL is the community noise metric recommended by the USEPA and has been adopted by most federal agencies (USEPA 1974).

The construction of the proposed BPS would require the use of common construction equipment. Table 3-6 describes noise emission levels for construction equipment that range from 47 dBA to 85 dBA at a distance of 50 feet (FHWA 2007).

Table 3-6. A-Weighted (dBA) Sound Levels of Construction Equipment and Modeled Attenuation at Various Distances[1]

Noise Source	50 feet	100 feet	200 feet	500 feet	1000 feet
Bulldozer	82	76	70	62	56
Concrete mixer truck	85	79	73	65	59
Crane	81	75	69	61	55
Drill rig	85	79	73	65	59
Dump truck	84	78	72	64	58
Excavator	81	75	69	61	55
Front-end loader	79	73	67	59	53
Generator	47	41	35	26	20

Source: FHWA 2007

1. The dBA at 50 feet is a measured noise emission. The 100- to 1,000-foot results are GSRC modeled estimates.

Assuming the worst case scenario of 85 dBA from general construction equipment, the noise model predicts that noise emissions would have to travel 1,138 feet before they would be attenuated to acceptable levels equal to or below 57 dBA, which is the criterion for National Monument and Wildlife Refuges (23 CFR § 722, Table 3-6), or 482 feet to attenuate to 65 dBA, which is the criterion for residential receptors.

Both proposed BPS location alternatives are located within residential communities so noise mitigation efforts should be used within the project site due to the nature of the project sites; however, noise levels can vary dependent upon traffic volumes on either Lockport Road or Porter Road.

3.11.1 Alternative 1: Lockport Road Alternative

The project site alternative is located in an area within a residential community with the nearest house located approximately 400 feet to the north of the site. All construction noises would attenuate to just above acceptable levels prior to reaching the residential area.

Helicopter takeoffs and landings would be periodic in nature (i.e., one takeoff and landing per day). Due to the site's proximity to the Niagara Falls International Airport, noise levels would be comparable to existing levels in the surrounding area and the Proposed Action would not increase noise levels substantially due to proximity to the Niagara Falls International Airport and the Niagara Falls Air Reserve Station. Therefore, long-term minor impacts on the noise environment would be expected, due to its close proximity to residential housing.

3.11.2 Alternative 2: Porter Road Alternative

The project site alternative is located in an area within a residential community with the nearest house located approximately 40 feet to the east of the site. Construction noises would not be able to attenuate to acceptable levels prior to reaching the residential area due to the proximity of

the surrounding houses. Mitigation efforts would need to be taken to limit the noise effects on the surrounding community which could include constructing noise barriers, limiting construction hours, and following the BMPs described in Section 4.7.

Helicopter takeoffs and landings would be periodic in nature (i.e., one takeoff and landing per day). Due to the site's proximity to the Niagara Falls International Airport, noise levels would be comparable to existing levels in the surrounding area and the Proposed Action would not increase noise levels substantially due to proximity to the Niagara Falls International Airport and the Niagara Falls Air Reserve Station. Therefore, long-term minor impacts on noise would be expected due to its close proximity to residential housing.

3.11.3 Alternative 3: No Action Alternative

Under the No Action Alternative, no construction would occur; therefore, no impacts on noise would occur.

3.12 CULTURAL, HISTORICAL, AND ARCHAEOLOGICAL RESOURCES

Cultural resources include historic properties, archaeological resources, and sacred sites. Historic properties are defined by the National Historic Preservation Act (NHPA)as any prehistoric or historic district site, building, structure, or object included on, or eligible for inclusion in the National Register of Historic Places (NRHP), including artifacts, records, and material remains relating to the district, site, building, structure, or object (National Park Service [NPS] 2006a). To be considered eligible for the NRHP, a property would need to possess integrity of location, design, setting, materials, workmanship, feeling, and association. It must also meet at least one of the following four criteria (NPS 2002):

A. Be associated with events that made a significant contribution to the broad pattern of our history;
B. Be associated with the lives of significant persons in our past;
C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
D. Have yielded, or be likely to yield, information important in history or prehistory.

A Traditional Cultural Property (TCP) is a specific type of historic property that is eligible for inclusion in the NRHP because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining and continuing the cultural identity of the community (Parker and King 1998). Given the broad range in types of historic properties, historic properties can often include other types of cultural resources such as cultural items, archaeological resources, sacred sites, and archaeological collections.

Cultural items as defined by the Native American Graves Protection and Repatriation Act (NAGPRA) are defined as human remains, as well as both associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony or objects that have an ongoing

historical, traditional, or cultural importance to a Native American group or culture (NPS 2006b). Archaeological resources, as defined by the Archaeological Resources Protection Act (ARPA), consist of any material remains of past human life or activities that are of archaeological interest and are at least 100 years of age. Such items include, but are not limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal remains, or any portion or piece of those items (NPS 2006c). Sacred sites are defined by EO 13007, Indian Sacred Sites, as any specific, discrete, narrowly delineated location on federal land that is identified by a Native American tribe or Native American individual determined to be an appropriately authoritative representative of a Native American religion as sacred by virtue of its established religious significance, or ceremonial use by, a Native American religion, provided that the tribe or appropriately authoritative representative of a Native American religion has informed the federal land-owning agency of the existence of such a site (NPS 1996).

Existing Archaeological Site and Previously Conducted Archaeological Surveys

According to the Cultural Resource Information System (CRIS), no archaeological investigations have been conducted within or adjacent to either parcel. CRIS records indicate that two Phase I archaeological investigations have been conducted within one mile of the Lockport Road parcel and one Phase I investigation has been completed northwest of the Porter Road parcel. Background research revealed that there are no NRHP properties or previously recorded cultural resources within or adjacent to either parcel. The details of all previous investigations that have been conducted within a 1-mile radius for each potential site are described below. Consultation is currently being conducted with the New York Historical Commission (NYHC) and the Federally recognized Native American tribes that claim a cultural affinity to the area regarding other known resources in the area, the results of the survey of the proposed action site, and CBP's effect determination for the sites that would be impacted from the development of the proposed action site. Consultation letters and responses are provided in Appendix A.

Lockport Road

CRIS records indicate that there is one previously recorded archaeological site, identified as "Tuscarora Village Site", within one mile of the Lockport Road parcel. The name "Tuscarora Village Site" given for Site A06306.000120 is a misnomer since it is neither associated with the Tuscarora Nation, nor a village site. The prehistoric site was named for the "Tuscarora Village Mobile Home Park," a development where a Phase I archaeological survey was conducted in 1998 (Butterbaugh 1998). Information about the site is limited to what is reported in the New York State Prehistoric Archeological Site Inventory Form which describes the site as small lithic scatter of unknown cultural affiliation. The site has been determined not eligible to the NRHP by SHPO (see Appendix A).

The Regional Heritage Preservation Program completed a Phase I archaeological survey in 2001 northeast of the Lockport Road parcel to investigate the proposed land for the Cricket Communications project site. The project area was approximately 0.023 acre in size. No cultural material and no archaeological sites were identified within the project area and no further work was recommended for this project (Nagel 2001). Commonwealth Cultural Resources Group, Inc. conducted an archaeological survey northeast of this potential BPS location in 2002 for the construction of an apartment building. The survey encompassed approximately 8.3 acres. No

cultural material, prehistoric or historic, was recovered during the Phase IB of this archaeological survey and no sites were identified.

Phase IA research conducted by Landmark Archaeology, Inc. revealed that no NRHP properties are located within this parcel nor are there any previously recorded archaeological sites within or immediately adjacent to the project area. A Phase IB field investigation of this site was conducted on May 3rd and 4th, 2021 which included a pedestrian walkover and shovel test excavations. Despite excellent surface visibility throughout the cultivated parcel at 80 to 90 percent, no artifacts or features were recovered during the close-interval pedestrian survey conducted at the Lockport Road parcel. A selective shovel test was excavated near the center of the parcel to determine the character of subsurface soils. No cultural resources were found by the current investigation. An architectural review and survey completed by Landmark Archaeology, Inc. indicates that there are no historic resources within the Visual APE of the project area that would be impacted by the construction of the new BPS.

Porter Road

In 2012, Heritage Preservation and Interpretation, Inc. conducted an archaeological survey for a proposed development northwest of the Porter Road parcel. No archaeological sites were identified during this survey and the area was identified as previously disturbed.

Phase IA research conducted by Landmark Archaeology, Inc. revealed that no NRHP properties are located within the parcel nor are there any previously recorded archaeological sites within or immediately adjacent to the project area. A Phase IB field investigation of this site was conducted on May 3rd and 4th, 2021 which included a pedestrian walkover and shovel test excavations. Because of extensive areas of standing water within the Porter Road parcel, shovel tests were selectively placed in “dry” locations at 15-meter intervals in areas of forest cover, east and west of the unnamed stream. A total of 34 shovel tests were excavated in areas not covered by water. No artifacts were recovered in the tests, and all tests encountered water. An architectural review and survey completed by Landmark Archaeology, Inc. indicates that there are no historic resources within the Visual APE of the project area that would be impacted by the construction of the new BPS.

3.12.1 Alternative 1: Lockport Road Alternative

Archaeological and aboveground resources surveys were conducted for the Lockport Road site. No historic resources were found to be located within the Visual APE of the project area that would be impacted by the construction of the new BPS, and no artifacts or features were recovered during pedestrian walkover and shovel test excavations. None of the resources identified were determined to be eligible for the NRHP and as a result, no historic properties, as defined by the NHPA, would be impacted by the Proposed Action. As a result, no impacts to cultural resources would occur from the implementation of the proposed action.

3.12.2 Alternative 2: Porter Road Alternative

Archaeological and aboveground resources surveys were conducted for the Porter Road site. No historic resources were found to be located within the Visual APE of the project area that would be impacted by the construction of the new BPS, and no artifacts or features were recovered during pedestrian walkover and shovel test excavations. None of the resources identified were

determined to be eligible for the NRHP and as a result, no historic properties, as defined by the NHPA, would be impacted by the Proposed Action. As a result, no impacts to cultural resources would occur from the implementation of the proposed action.

3.12.3 Alternative 3: No Action Alternative

Under the No Action Alternative, no construction would occur; therefore, no impacts to cultural resources would be anticipated.

3.13 UTILITIES AND INFRASTRUCTURE

Utilities within the project area in Niagara County are provided by three utility companies: NYPA, National Grid, and New York State Electric and Gas (NYSEG). Several smaller suppliers provide electric and gas to residents and businesses throughout Niagara County. National Fuel Gas Distribution Corporation also provides natural gas to the western portion of the county and NYSEG supplies natural gas to the eastern portion. National Grid supplies electricity to most of Niagara County, with the exception of the town of Niagara and the city of Lockport which are serviced by NYSEG. Commercial grid power is currently available and would be used to power the proposed BPS.

The NYPA generates electricity through the Niagara Power Project, one of the world's largest hydroelectric facilities. Other large electricity producers which create power for the town of Niagara include: COVANTA Company of Niagara, which operates a large waste to energy facility in Niagara Falls; Niagara Generation, LLC which operates a coal-fired and bio-mass plant; Lockport Energy Associates, L.P. which provides electricity from its cogeneration facility to Delphi Thermal; and AES Somerset, LLC which owns and operates a coal-fired plant in Somerset (Niagara County Center for Economic Development 2008).

Infrastructure near the project area includes Interstate 190 and Highway 62, which are the major routes through Niagara Falls and the surrounding towns. No new public infrastructure would be required for ingress or egress at the proposed BPS. Numerous road construction and improvement projects are scheduled to be completed in the next four years within Niagara County.

Potable water would be supplied via existing infrastructure provided and maintained by the NFWB. The NFWB owns two treatment plants: the Michael C. O'Laughlin Water Treatment Plant, which treats and delivers safe, clean drinking water; and a physical-chemical activated carbon wastewater treatment plant that treats and discharges into the lower Niagara River. Water usage for the new BPS is estimated to be approximately 5,000 gallons per day for a total of approximately 1.85 million gallons per year. As mentioned previously, the annual surface waters supplied in 2019 by the Niagara Falls Water Board is approximately 21.5 million gallons per day, which was a total of approximately 7.8 billion gallons per year. Because the new BPS would only use approximately 0.0002 percent of the annual surface water available within the watershed per year, it is anticipated that impacts to water availability would be long-term and negligible.

Sewerage for the new BPS would be connected to the existing Niagara County sanitary sewer collection system treated by. All proper permits would be acquired prior to installation or operation of the septic system in compliance with NYDEC guidelines. Connecting the new BPS to the existing county sanitary sewer system would result in minor effects.

3.13.1 Alternative 1: Lockport Road Alternative

The Lockport Road Alternative would result in negligible effects on the availability of utilities throughout the ROI because the current amperage available through the existing grid power system can withstand the anticipated electrical load of the proposed BPS. Additionally, the BPS would be tied into existing and available service transmission lines. All sewerage and potable water would be installed with the proper permits for installation and operation of these systems. Also, the sewerage and potable water systems installed by CBP would only be used by CBP; therefore, there would be no reasonably foreseeable impacts related to the construction of the new BPS and potential development near the new BPS.

3.13.2 Alternative 2: Porter Road Alternative

Under the Porter Road Alternative, the impact of the proposed BPS on the utilities and infrastructure would be the same as described in the section above.

3.13.3 Alternative 3: No Action Alternative

Under the No Action Alternative, the proposed BPS would not be constructed. The No Action Alternative would not affect the availability of utilities or require construction of additional facilities.

3.14 ROADWAYS AND TRAFFIC

Interstate 190 is one of the main north-south routes in Niagara County, New York. The freeway travels 28.34 miles as it bisects downtown Buffalo before travelling around the outskirts of Niagara Falls and crossing the Niagara River on the Queenston-Lewiston Bridge into Ontario, Canada. New York State Route 78 also runs north-south through the center of Niagara County. The main east-west routes through Niagara County are New York State Routes 31 and 104. New York State Route 31 extends for 208.74 miles across 10 counties in western and central New York as it runs from the city of Niagara Falls to the town of Vernon. New York State Route 104 covers 182.41 miles within six counties of Upstate New York as it parallels the southern shores of Lake Ontario from the city of Niagara Falls to the town of Williamstown in Oswego County. U.S. Route 62 (also referred to as Highway 62) is another major east-west route through Niagara County. It runs from the Mexican border in El Paso, Texas and eventually terminates at the Rainbow Bridge port of entry at the U.S.-Canadian Border.

The annual average daily traffic (AADT) is the standard measurement for vehicle traffic load on a section of road; it is calculated by recording the total volume of vehicle traffic on a highway or road for a year and dividing that value by 365 days. One of the proposed BPS sites would be located off of Lockport Road within the town of Niagara, New York. According to NYSDOT, the AADT for Lockport Road at the location of the proposed site was 5,211 in 2019 (NYSDOT 2021b). The other proposed BPS site would be located directly off of Porter Road within the

town of Niagara, New York. According to NYSDOT, the AADT for Lockport Road at the location of the proposed site was 8,258 in 2016 (NYSDOT 2021b).

3.14.1 Alternative 1: Lockport Road Alternative

With the implementation of the Proposed Action, construction activities at the project site would have a temporary, minor impact on roadways and traffic adjacent to the project site. An increase in vehicular traffic along Lockport Road would occur from supplying materials, hauling debris, and from work crews commuting to the project site during construction activities. Upon completion of construction activities, the number of USBP agents traveling those roads to access the BPS would increase as well. The increase in volume of traffic associated with 50 agents coming and going from the BPS would have negligible impacts on roadways and traffic given the current AADT on Lockport Road. Therefore, traffic impacts associated with construction and operation of the BPS would be long-term and negligible.

3.14.2 Alternative 2: Porter Road Alternative

Under the Porter Road Alternative, the construction of the new BPS would have similar impacts on roadways and traffic as described for Alternative 1. The increase in volume of traffic associated with 50 agents coming and going from the BPS would have negligible impacts on roadways and traffic given the current AADT on Porter Road.

3.14.3 Alternative 3: No Action Alternative

Under the No Action Alternative, no impacts to roadways and traffic would occur.

3.15 HAZARDOUS MATERIALS

Hazardous materials are substances that cause physical or health hazards (29 CFR 1910.1200). Materials that are physically hazardous include combustible and flammable substances, compressed gases, and oxidizers. Health hazards are associated with materials that cause acute or chronic reactions, including toxic agents, carcinogens, and irritants. Hazardous materials are regulated in New York by a combination of mandated laws promulgated by the USEPA and the NYSDEC.

A Phase I Environmental Site Assessment was conducted for the proposed project sites in accordance with the American Society for Testing and Materials (ASTM) International Standard E1527-13. This assessment was performed to evaluate any potential environmental risk associated with the construction and operation of the proposed BPS. The assessment included a search of federal and state records of known hazardous waste sites, potential hazardous waste sites, and remedial activities and included sites that are either on the National Priorities List or being considered for the list. According to information gathered from document searches, interviews, and site reconnaissance, no recognized environmental conditions exist on either proposed action location alternative (GSRC 2021).

The Lockport Road site is in the immediate vicinity of the Niagara Falls Air National Reserve Station which was identified on numerous databases during the Phase I Environmental Site Assessment to have multiple hazardous waste spills and house hazardous materials during its history. Remediation has been conducted for the spills (GSRC 2021).

No recognized environmental conditions were found to exist on the Porter Road site.

3.15.1 Alternative 1: Lockport Road Alternative

Construction of the proposed BPS would involve the use of heavy construction equipment. There is a potential for the release of hazardous materials such as fuels, lubricants, hydraulic fluids, and other chemicals during the construction activities. The impacts from spills of hazardous materials during construction would be minimized by utilizing BMPs during construction such as fueling only in controlled and protected areas away from surface waters, maintaining emergency spill cleanup kits at all sites during fueling operations, and maintaining all equipment in good operating condition to prevent fuel and hydraulic fluid leaks.

All hazardous and regulated wastes and substances generated by operation of the new BPS would be collected, characterized, labeled, stored, transported, and disposed of in accordance with all federal, state, and local regulations, including proper waste manifesting procedures. All other hazardous and regulated materials or substances would be handled according to materials safety data sheet instructions and would not affect water, soils, vegetation, wildlife, or the safety of USBP agents and staff. The fuel ASTs installed at the new BPS would be double walled and contained within all protective measures needed to prevent the release of any tank spills. The vehicle maintenance facility would be equipped with oil/water separators to collect any petroleum or other automotive fluids spilled, and waste automotive fluids would be collected and disposed of in accordance with state regulations. Therefore, hazardous and regulated materials and substances would not impact the public, groundwater, or general environment.

The potential impacts from the handling and disposal of hazardous and regulated materials and substances during construction activities would be minor when mitigation measures and BMPs, as described in Section 4, are implemented.

3.15.2 Alternative 2: Porter Road Alternative

Under the Porter Road Alternative, the construction of the new BPS would have the same risks and potential impacts involving hazardous materials as described above and would follow the same BMPs as described in Section 4.

3.15.3 Alternative 3: No Action Alternative

Under the No Action Alternative, no construction activities would occur; therefore, no existing hazardous materials risks would be encountered and no potential for hazardous materials spills during BPS construction would be realized. No impacts from hazardous materials would result from the No Action Alternative.

3.16 RADIO FREQUENCY ENVIRONMENT

The radio frequency (RF) environment refers to the presence of electromagnetic radiation emitted by radio waves and microwaves on the human and biological environment. Electromagnetic radiations are self-propagating waves of electric and magnetic energy that move through space via radio waves and microwaves emitted by transmitting antennas. RF is a frequency or rate of oscillation within the range of about 3 hertz and 300 gigahertz. This range corresponds to frequency of alternating current and electrical signals used to produce and detect

radio waves. The electromagnetic radiation produced by radio waves and microwaves carry energy and momentum and can interact with matter.

The Federal Communications Commission (FCC) is responsible for licensing frequencies and ensuring that the approved uses would not interfere with television or radio broadcasts or substantially affect the natural or human environments. The FCC adopted recognized safety guidelines for evaluating RF exposure in the mid-1980s (Office of Engineering and Technology [OET] 1999). Specifically, in 1985, the FCC adopted the 1982 American National Standards Institute (ANSI) guidelines to evaluate exposure due to RF transmitters that are licensed and authorized by the FCC (OET 1999). In 1992, ANSI adopted the 1991 Institute of Electrical and Electronics Engineers (IEEE) standard as an American National Standard (a revision of its 1982 standard) and designated it as ANSI/IEEE C95.1-1992 (OET 1999). The FCC proposed to update its rules and adopt the new ANSI/IEEE guidelines in 1993, and in 1996 the FCC adopted a modified version of the original proposal.

The FCC's guidelines are also based on the National Council on Radiation Protection and Measurements (NCRP) exposure guidelines. The NCRP and ANSI/IEEE exposure criteria identify the same threshold levels at which harmful biological effects may occur. The whole-body human absorption of RF energy varies with the frequency of the RF signal. The most restrictive limits on exposure are in the frequency range of 30 to 300 megahertz, where the human body absorbs RF energy most efficiently when exposed to an RF transmitting source (ANSI/IEEE C95.1-1992).

There are two tiers of exposure limits: occupational (controlled) and general or (uncontrolled). Controlled exposure is when people are exposed to RF fields as a part of their employment and they have been made fully aware of the potential exposure and can exercise control over their exposure. Uncontrolled exposure is when the general public is exposed or when persons employed are not made fully aware of the potential for exposure or cannot exercise control over their exposure.

In order for a transmitting facility or operation to be out of compliance with the FCC's RF guidelines in an area where levels exceed Maximum Permissible Exposure (MPE) limits, it must first be accessible to the public. The MPE limits indicate levels above which people may not be safely exposed regardless of the location where those levels occur.

Adverse biological effects associated with RF energy are typically related to the heating of tissue by RF energy. This is typically referred to as a thermal effect, where the electromagnetic radiation emitted by an RF antenna passes through and rapidly heats biological tissue, similar to the way a microwave oven cooks food. Numerous studies have shown that environmental levels of RF energy routinely encountered by the general public are typically far below levels necessary to produce significant heating and increased body temperature and are generally only associated with workplace environments near high-powered RF sources used for molding plastics or processing food products. In such cases, exposure of human beings to RF energy could be exceeded, thus requiring restrictive measures or actions to ensure their safety (Classic 2007).

There is also some concern that signals from some RF devices could interfere with pacemakers or other implanted medical devices. However, it has never been demonstrated that signals from a microwave oven are strong enough to cause such interference (OET 1999). Furthermore, electromagnetic shielding was incorporated into the design of modern pacemakers to prevent RF signals from interfering with the electronic circuitry in the pacemaker (OET 1999).

Other non-thermal adverse effects such as disorientation of passing birds by RF waves are also of concern. Studies on the effects of communications towers were noted by during the 1999 Workshop on Avian Mortality at Communication Towers (Evans and Manville 2000). During this workshop, Beason (1999) noted that most research on RF signals produced by communications towers generally have no disorientation effects on migratory birds. However, more research is needed to better understand the effects of RF energy on the avian brain.

Currently, CBP, USFWS, local law enforcement agencies, and the military use two-way radios as part of their daily operations in the project site. Further, several of these agencies operate and maintain radio repeaters within the ROI.

3.16.1 Alternative 1: Lockport Road Alternative

The Lockport Road Alternative would install new communications equipment within the project site. As with any RF transmitter, these systems would emit RF energy and electromagnetic radiation; therefore, a potential for adverse effects could occur. However, any adverse effects on human safety and wildlife would likely be negligible due to the minimal exposure limits associated with the type of equipment used and the tower site location. The risk of exposure is further minimized because the tower would be up to 100 feet tall. The distance between the antennas (on top of the tower) and human populations would be too great to present a severe exposure risk. Under normal operating conditions, maintenance personnel working near the tower site would not be exposed to any RF energy that exceeds MPE limits set by the FCC. All CBP tower climbers would have RF monitors that would alarm to indicate an unsafe RF environment. Additionally, RF hazard warning signage would be in place on the site.

Though greater research is required to better understand the effects of RF energy on the avian brain, the potential effects on passing birds are expected to be negligible as well. Any disorientating effect, if experienced, would be temporary and would occur only at distances close to the antennas.

RF energy levels emitted from the proposed equipment are within Occupational Safety and Health Administration (OSHA) safety standards.

3.16.2 Alternative 2: Porter Road Alternative

Under the Porter Road Alternative, the new proposed BPS site would have the same impacts on the RF environment as described in the section above.

3.16.3 Alternative 3: No Action Alternative

Under the No Action Alternative, the new BPS would not be constructed. Daily radio operations by CBP, USFWS, and local law enforcement would continue within the ROI. The existing RF

emitted would continue to have adverse, negligible impacts on the human or natural environments.

3.17 SOCIOECONOMICS

This section outlines the basic attributes of population and economic activity in Niagara and Erie Counties in New York. The closest town to the proposed BPS is Niagara, which is in Niagara County. The location for the proposed BPS is also in Niagara County; however, the much larger City of Buffalo, located in Erie County, is approximately 20 miles from the proposed BPS location, and some of the new personnel would be expected to live in Buffalo. As a result, both Niagara and Erie Counties are considered the ROI for socioeconomics.

The proposed Niagara Falls BPS would be designed for 50 agents initially with the ability to expand in the future, with the potential to increase the number of agents working at the existing Niagara Falls BPS in the future. This increase would be designed to accommodate the growth anticipated in Niagara Falls' AOR due to the increase in northern border traffic and shifting illegal immigration patterns.

Demographic data, shown in Table 3-7, provide an overview of the socioeconomic environment in the ROI. In 2019, Niagara County had an estimated population of 209,281 and Erie County had 918,702 (U.S. Census Bureau 2019). From 2010 to 2019, the population of Niagara County declined at an average annual rate of 0.37 percent, while Erie County declined at an average annual rate of 0.01 percent. In the same time frame, the population of New York grew at an average annual rate of 0.03 percent, and the United States at a faster rate of 0.68 percent (U.S. Census Bureau 2019).

Table 3-7. Population, Income, Labor Force, and Unemployment for the ROI

	2019 Population Estimate	Average Annual Growth Rate 2010-2019 (Percent)	Per Capita Income (Dollars) (2019)	Per Capita Income As a Percent of the United States (Percent)	Unemployment Rate (2019) (Percent)
Niagara County	209,281	-0.37	30,971	91.0	5.0
Erie County	918,702	-0.01	33,598	98.5	4.3
New York	19,453,561	0.03	39,326	115.0	3.8
United States	328,239,523	0.68	34,103	100.0	3.7

Source: U.S. Census Bureau 2019, BLS 2020a, BLS 2020b, BLS 2020c

Per capita income in the ROI is slightly lower compared to New York and the United States, with average per capita income in Niagara County and Erie County approximately 91 and 98 percent of the United States, respectively. The unemployment rates in Niagara County (5.0 percent) and Erie County (4.3 percent) are greater than those of New York (3.8 percent) and the United States (3.7 percent) (U.S. Bureau of Labor Statistics [BLS] 2020a, BLS 2020b, BLS 2020c).

Impacts on socioeconomic conditions would be considered major if they included displacement or relocation of residences or commercial buildings or increases in long-term demands for public services in excess of existing and projected capacities.

3.17.1 Alternative 1: Lockport Road Alternative

The Lockport Road Alternative site is located in mixed agricultural/light commercial use area with scattered residential housing directly off of Lockport Road, within the town limits of Niagara, just bordering the larger City of Niagara Falls and 20 miles north of Buffalo. A U.S. Armed Forces Center, Air National Guard Recruiting Office, and the Niagara Falls Air Reserve Station are located immediately east of the site across Tuscarora Road. The proposed Niagara Falls BPS could add several agents and their families moving into the area in the future, needing homes, schools, and public services. Those agents and their families would be expected to live in Buffalo or Niagara Falls. With an estimated population of 255,284, Buffalo is a much larger city than Niagara (population 8,063) or Niagara Falls (population 47,720) and would offer many more options for housing, schools, shopping, and other amenities. This may lead to many agents to choose to live further away in Buffalo, which would be better able to handle the increased demand for housing and public services than Niagara Falls. With many of the additional agents and their families expected to choose to live in Buffalo, increases in the demand for public services in excess of existing and projected capacities would not be expected.

Temporary, minor, beneficial impacts in the form of jobs and income for area residents, revenues to local businesses, and sales and use taxes to Erie and Niagara Counties, Buffalo, Niagara, Niagara Falls, and the State of New York from locally purchased building materials could be realized if construction materials are purchased locally and local construction workers are hired for road and facility construction.

3.17.2 Alternative 2: Porter Road Alternative

Under the Porter Road Alternative, the proposed Niagara Falls BPS would have similar impacts on the surrounding communities as described for Alternative 1. It is located in a primarily residential area within the town limits of Niagara with the Niagara Falls International Airport located directly east of the project site.

3.17.3 Alternative 3: No Action Alternative

Under the No Action Alternative, the proposed BPS would not be constructed in Niagara County, so there would be no direct socioeconomics impacts.

3.18 ENVIRONMENTAL JUSTICE AND PROTECTION OF CHILDREN

EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, was issued by President Clinton on February 11, 1994. It was intended to ensure that proposed federal actions do not have disproportionately high and adverse human health and environmental effects on minority and low-income populations and to ensure greater public participation by minority and low-income populations. It requires each agency to develop an agency-wide environmental justice strategy. A Presidential Transmittal Memorandum issued with the EO states that "Each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority

communities and low-income communities, when such analysis is required by the NEPA 42 U.S.C. section 4321, et seq."

EO 12898 does not provide guidelines as to how to determine concentrations of minority or low-income populations. However, analysis of demographic data on race, ethnicity, and poverty provides information on minority and low-income populations that could be affected by the proposed actions. The 2010 Census reports numbers of minority individuals and the U.S. Census American Community Survey provides the most recent poverty estimates available. Minority populations are those persons who identify themselves as Black, Hispanic, Asian American, American Indian/Alaskan Native, Pacific Islander, or Other. Poverty status is used to define low-income. Poverty is defined as the number of people with income below poverty level, which was $26,200 for a family of four in 2020 (U.S. Department of Health and Human Services [HHS] 2020). A potential disproportionate impact may occur when the minority populations in the study area exceeds 50 percent and/or the low-income population exceeds 20 percent. Additionally, a disproportionate impact may occur when the minority and/or low-income populations in the study area are meaningfully greater than those in the region. The potential for impacts on the health and safety of children is greater in areas where projects are located near residential areas. U.S. Census data for minority population and poverty rates for the ROI are presented in Table 3-8.

Table 3-8. Minority Populations and Poverty Rates for the ROI

	Minority Population (Percent)	All Ages in Poverty (Percent)
Niagara, New York	10.9	12.8
Niagara County	15.1	12.5
Erie County	25.0	13.3
New York	44.7	13
United States	39.6	10.5

Source: U.S. Census Bureau 2019

3.18.1 Alternative 1: Lockport Road Alternative

Under the Lockport Road Alternative, the proposed Niagara Falls BPS would be located in a mixed agricultural/light commercial use area with scattered residential housing directly off of Lockport Road, within the town limits of Niagara. With a minority population of 15.1 percent and low-income population of 12.5 percent within Niagara County in the area of the proposed BPS, the Proposed Action would not result in disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. There would be no environmental health or safety risks that disproportionately affect children. All OSHA regulations would be followed, and the construction site would be temporarily fenced off to keep the general public, especially children, out of the project site to mitigate any potential safety risks to the community.

3.18.2 Alternative 2: Porter Road Alternative

Under the Porter Road Alternative, the proposed Niagara Falls BPS would have similar impacts on the surrounding community as described above. It is located in a primarily residential area

within the town limits of Niagara with the Niagara Falls International Airport located directly east of the project site.

3.18.3 Alternative 3: No Action Alternative

Under the No Action Alternative, the proposed Niagara Falls BPS would not be constructed. There would be no impacts on people, so there would be no disproportionately high and adverse human health or environmental effects on minority and low income populations. There would be no environmental health or safety risks that could disproportionately affect children.

3.19 SUMMARY OF IMPACTS

Table 3-9 is provided to summarize the impacts of the No Action Alternative and Proposed Action on each of the elements discussed in this section (Affected Environment and Consequences).

Table 3-9. Summary Matrix of Potential Impacts

Affected Environment	Alternative 1 (Preferred Alternative)	Alternative 2	No Action Alternative (Alternative 3)
Land Use	Alternative 1 would have a permanent, negligible impact on land use. Approximately 15.45 acres of undeveloped land would be converted to a developed land use.	Alternative 2 would have a permanent, negligible impact on land use. Approximately 10.6 acres of undeveloped land would be converted to a developed land use.	No impacts would occur.
Soils	Alternative 1 would have a minor impact on soils. Permanent impacts on approximately 15.45 acres of soil would occur through the conversion of undeveloped land to use as a BPS.	Alternative 2 would have a minor impact on soils. Permanent impacts on approximately 10.6 acres of soil would occur through the conversion of undeveloped land to use as a BPS.	No impacts would occur.
Vegetative Habitat	Alternative 1 would permanently alter approximately 15.45 acres of cleared agricultural land. The plant community associated with the project site is both locally and regionally common, and the permanent loss of approximately 15.45 acres of vegetation would not adversely affect the population viability of any plant or animal species in the region.	Alternative 2 would permanently alter approximately 10.6 acres of native vegetative habitat. The plant community associated with the project site is both locally and regionally common, and the permanent loss of approximately 10.6 acres of vegetation would not adversely affect the population viability of any plant or animal species in the region.	No impacts would occur.

Affected Environment	Alternative 1 (Preferred Alternative)	Alternative 2	No Action Alternative (Alternative 3)
Wildlife Resources	Alternative 1 would have a permanent, negligible impact on wildlife resources due to the permanent removal of approximately 15.45 acres of habitat.	Alternative 2 would have a permanent, negligible impact on wildlife resources due to the permanent removal of approximately 10.6 acres of habitat.	No impacts would occur.
Protected Species and Critical Habitats	Alternative 1 would have no effect to any federally protected species. No designated critical habitat is present within the project footprint.	Alternative 2would have no effect to any federally protected species. No designated critical habitat is present within the project footprint.	No impacts would occur.
Groundwater	Alternative 1 would have temporary, minimal impact on groundwater resources.	Alternative 2 would have temporary, minimal impact on groundwater resources.	No impacts would occur.
Surface Waters and Waters of the United States	Surface water quality could be temporarily impacted during construction activities as a result of erosion and sedimentation. However, due to the lack of surface waters present at the proposed BPS and through the use of BMPs these effects would be minimized. Approximately 594 linear feet of potentially jurisdictional Waters of the U.S. would be impacted. However, these impacts would be mitigated and permitted prior to any construction activities.	Surface water quality could be temporarily impacted during construction activities as a result of erosion and sedimentation. However, due to the surface waters present at the proposed BPS and through the use of BMPs these effects would be minimized. Impacts to 2.36 acres of wetlands and 412 linear feet of Waters of the United States would occur. However, these impacts would be mitigated and permitted prior to any construction activities.	No impacts would occur.
Floodplains	Alternative 1 would not increase the risk or impact of floods on human safety, health, and welfare, or adversely impact the beneficial values that floodplains serve.	Alternative 2 is in the 100-year floodplain within a SFHA. Therefore, Alternative 2 would have a moderate increase on the risk or impact of floods on human safety, health, and welfare, or adversely impact the beneficial values that floodplains serve. However, this risk could be mitigated through alterations to the construction design.	No impacts would occur.
Cultural Resources	Alternative 1 would have no effect on historic properties.	Alternative 2 would have no effect on historic properties.	No impacts would occur.

Affected Environment	Alternative 1 (Preferred Alternative)	Alternative 2	No Action Alternative (Alternative 3)
Air Quality	Temporary and minor increases in air pollution would occur from the use of construction equipment (combustion emissions) and the disturbance of soils (fugitive dust) during construction.	Temporary and minor increases in air pollution would occur from the use of construction equipment (combustion emissions) and the disturbance of soils (fugitive dust) during construction.	No impacts would occur.
Noise	Temporary and negligible increases in noise would occur during construction. Long-term, minor impacts would occur from helicopter takeoffs and landings.	Temporary and negligible increases in noise would occur during construction. Long-term, minor impacts would occur from helicopter takeoffs and landings.	No impacts would occur.
Utilities and Infrastructure	Negligible demands on power utilities would be required as a result of the Proposed Action. Sewerage and Potable water would be built into the site, impacts would be negligible and long-term.	Negligible demands on power utilities would be required as a result of the Proposed Action. Sewerage and Potable water would be built into the site, impacts would be negligible and long-term.	No impacts would occur.
Radio Frequency	Negligible impacts from RF energy due to the minimal exposure limits associated with both the type of equipment used and the tower site location.	Negligible impacts from RF energy due to the minimal exposure limits associated with both the type of equipment used and the tower site location.	No impacts would occur.
Roadways and Traffic	Construction activities would have a temporary, minor impact on roadways and traffic within the region. The temporary increase of vehicular traffic would occur to supply materials and work crews at the project site during construction. A minor, permanent increase in vehicular traffic would result from daily CBP usage. No new roads would be constructed.	Construction activities would have a temporary, minor impact on roadways and traffic within the region. The temporary increase of vehicular traffic would occur to supply materials and work crews at the project site during construction. A minor, permanent increase in vehicular traffic would result from daily CBP usage. No new roads would be constructed.	No impacts would occur.
Hazardous Material	Alternative 1 would not result in the exposures of the environment or public to any hazardous materials. The potential exists for minor releases of petroleum, oil, and lubricant during construction activities. BMPs would be implemented to minimize any potential contamination during construction activities.	Alternative 2 would not result in the exposures of the environment or public to any hazardous materials. The potential exists for minor releases of petroleum, oil, and lubricant during construction activities. BMPs would be implemented to minimize any potential contamination during construction activities.	No impacts would occur.

Affected Environment	Alternative 1 (Preferred Alternative)	Alternative 2	No Action Alternative (Alternative 3)
Socioeconomics	Alternative 1 would have minor to negligible impacts.	Alternative 2 would have minor to negligible impacts.	No impacts would occur.
Environmental Justice	Alternative 1 would not result in disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.	Alternative 2 would not result in disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.	No impacts would occur.

4.0 BEST MANAGEMENT PRACTICES

This chapter describes those measures that will be implemented to reduce or eliminate potential adverse impacts on the human and natural environments. Many of these measures have been incorporated as standard operating procedures by CBP on past projects. BMPs will be presented for each resource category that would be potentially affected. It should be emphasized that these are general BMPs and the development of site-specific BMPs will be required for certain activities implemented under the action alternatives. The proposed BMPs will be coordinated through the appropriate agencies and land managers/administrators, as required.

It is federal policy to reduce adverse impacts through the sequence of avoidance, minimization, and, finally, compensation. Compensation varies and includes activities such as restoration of habitat in other areas, acquisition of lands, etc., and is typically coordinated with the appropriate federal and state resource agencies.

4.1 GENERAL PROJECT PLANNING CONSIDERATIONS

1. If required, night-vision-friendly strobe lights necessary for CBP operational needs will use the minimum wattage and number of flashes per minute necessary to ensure operational safety.

2. Avoid contamination of ground and surface waters by storing concrete wash water, and any water that has been contaminated with construction materials, oils, equipment residue, etc., in closed containers on-site until removed for disposal. This wash water is toxic to wildlife. Storage tanks must have proper air space (to avoid rainfall-induced overtopping), be on-ground containers, and be located in upland areas instead of washes.

3. Avoid lighting impacts during the night by conducting construction and maintenance activities during daylight hours only. If night lighting is unavoidable, 1) use special bulbs designed to ensure no increase in ambient light conditions, 2) minimize the number of lights used, 3) place lights on poles pointed down toward the ground, with shields on lights to prevent light from going up into sky, or out laterally into landscape, and 4) selectively place lights so they are directed away from all native vegetative communities.

4. CBP will avoid the spread of non-native plants by not using natural materials (e.g., straw) for on-site erosion control. If natural materials must be used, the natural material would be certified weed and weed-seed free. Herbicides not toxic to listed species that may be in the area can be used for non-native vegetation control. Application of herbicides will follow federal guidelines and can be used according to in accordance with label directions.

5. CBP will ensure that all construction will follow DHS *Directive 025-01* for Sustainable Practices for Environmental, Energy, and Transportation Management.

6. CBP will place drip pans under parked equipment and establish containment zones when refueling vehicles or equipment.

4.2 SOILS

1. Clearly demarcate the perimeter of all new areas to be disturbed using flagging or temporary construction fencing. Do not allow any disturbance outside that perimeter.

2. The area of disturbance will be minimized by limiting deliveries of materials and equipment to only those needed for effective project implementation.

3. Within the designated disturbance area, grading or topsoil removal will be limited to areas where this activity is needed to provide the ground conditions necessary for construction or maintenance activities.

4. Rehabilitation will include revegetating or the distribution of organic and geological materials (i.e., boulders and rocks) over the disturbed area to reduce erosion while allowing the area to naturally vegetate.

4.3 BIOLOGICAL RESOURCES

1. Materials used for on-site erosion control will be free of non-native plant seeds and other plant parts to limit potential for infestation.

2. Identify by its source location any fill material, sandbags, hay bales, and mulch brought in from outside the project site. These materials will be free of non-native plant seeds and other plant parts to limit potential for infestation.

3. Native weed free seeds or plants will be used to revegetate temporarily disturbed areas.

4. Obtain materials such as gravel, topsoil, or fill from existing developed or previously used sources that are compatible with the project site and are from legally permitted sites. Do not use materials from undisturbed areas adjacent to the project site.

5. To prevent entrapment of wildlife species, ensure that excavated, steep-walled holes or trenches are either completely covered by plywood or metal caps at the close of each workday or provided with one or more escape ramps (at no greater than 1,000-foot intervals and sloped less than 45 degrees) constructed of earthen fill or wooden planks.

6. Each morning, before the start of construction or maintenance activities and before such holes or trenches are filled, ensure that they are thoroughly inspected for trapped animals. Ensure that any animals discovered are allowed to escape voluntarily (by escape ramps or temporary structures), without harassment, and before construction activities resume, or are removed from the trench or hole by a qualified person and allowed to escape unimpeded.

7. The MBTA (16 U.S.C. 703-712, [1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989]) requires that federal agencies coordinate with the USFWS if a construction activity would result in the take of a migratory bird. If construction or clearing activities are scheduled during the breeding season (March 15 through September 15) within potential nesting habitats, surveys will be performed to identify active nests. If construction activities will result in the take of a migratory bird, then coordination with the USFWS and NYSDEC will be required and applicable permits would be obtained prior to construction or clearing activities. Other mitigation measures that would be considered are to install visual markers on any guy wires used, and to schedule all construction activities outside nesting season, negating the requirement for nesting bird surveys. The proposed communications tower would also comply with USFWS guidelines for reducing fatal bird strikes on communications towers (Clark 2000), to the greatest extent practicable.

8. If an active nest is found, a buffer zone will be established around the nest and no activities will occur within that zone until nestlings have fledged and abandoned the nest.

9. If construction is scheduled during the migratory bird nesting season, steps will be taken to prevent migratory birds from establishing nests in the potential impact area. These steps could include covering equipment and structures, and use of various excluders (e.g., noise) if necessary.

10. Anti-perching devices will be incorporated into the site design and installed on the tower.

11. CBP will not, for any length of time, permit any pets inside the project area or adjacent native habitats. This BMP does not pertain to law enforcement animals.

4.4 CULTURAL RESOURCES

1. In the event that unanticipated archaeological resources are discovered during construction or any other project-related activities, the project proponent or contractor shall immediately halt all activities in the area of the discovery and within 24 hours notify the Energy and Environmental Management Division (EEMD) of such a discovery. Work at that specific isolated area where the discovery occurred cannot resume until the appropriate historic preservation official has made a determination. Work may continue in areas outside of the area of discovery, where no cultural materials are present.

2. In the event that human remains are inadvertently discovered all ground-disturbing activity would cease immediately. The Project Manager would immediately notify CBP and EEMD. CBP would notify state police within 24 hours of the discovery and follow their directions for securing the site pending examination of a medical examiner/coroner. Law enforcement and the coroner would determine whether or not the discovery constitutes a crime scene. CBP would coordinate with the state police and the coroner regarding where construction activities can resume. No work may proceed without the written authorization of CBP. CBP would notify the Advisory Council on Historic Preservation, the appropriate SHPO or Tribal Historic Preservation Officer, any impacted

Indian Tribe, and any impacted federal agency of the discovery in writing within two business days. NAGPRA would be followed if the discovery is determined to be of Native American origin. CBP's established standard operating procedures for inadvertent discoveries would be adhered to in all cases.

4.5 AIR QUALITY

1. Soil watering will be utilized to minimize airborne particulate matter created during construction activities. Bare ground may be covered with hay or straw to lessen wind erosion during the time between BPS construction and the revegetation of temporary impact areas with a mixture of native plant seeds or nursery plantings (or both). All construction equipment and vehicles will be kept in good operating condition to minimize exhaust emissions.

4.6 WATER RESOURCES

1. Wastewater is to be stored in closed containers on-site until removed for disposal. Wastewater is water used for project purposes that is contaminated with construction materials or from cleaning equipment and thus carries oils or other toxic materials or other contaminants as defined by federal or state regulations.

2. Avoid contamination of ground and surface waters by collecting concrete wash water in open containers and disposing of it off-site.

3. Avoid contaminating natural aquatic and wetland systems with runoff by limiting all equipment maintenance, staging, and laydown and dispensing hazardous liquids, such as fuel and oil, to designated upland areas.

4. Cease work during heavy rains and do not resume work until conditions are suitable for the movement of equipment and materials.

5. Erosion control measures and appropriate BMPs, as required and promulgated through a site-specific SWPPP and engineering designs, will be implemented before, during, and after soil-disturbing activities.

6. Areas with highly erodible soils will be given special consideration when preparing the SWPPP to ensure incorporation of various erosion control techniques, such as straw bales, silt fencing, aggregate materials, wetting compounds, and rehabilitation, where possible, to decrease erosion.

7. All construction and maintenance contractors and personnel will review the CBP-approved spill protection plan and implement it during construction and maintenance activities.

8. Wastewater from pressure washing must be collected. A ground pit or sump can be used to collect the wastewater. Wastewater from pressure washing must not be discharged into any surface water.

9. If soaps or detergents are used, the wastewater and solids must be pumped or cleaned out and disposed of in an approved facility. If no soaps or detergents are used, the wastewater must first be filtered or screened to remove solids before being allowed to flow off-site. Detergents and cleaning solutions must not be sprayed over or discharged into surface waters.

4.7 NOISE

1. Avoid noise impacts during the night by conducting construction and maintenance activities during daylight hours only.

2. All OSHA requirements will be followed. To lessen noise impacts on the local wildlife communities, construction will only occur during daylight hours. All motorized vehicles will be properly maintained to reduce the potential for vehicle-related noise.

3. All construction areas for staging and warming-up equipment shall be located as far as feasible from noise-sensitive land uses.

4. Portable noise sheds for smaller, noisy equipment, such as air compressors, dewatering pumps, and generators shall be provided as feasible.

4.8 SOLID AND HAZARDOUS WASTES

1. BMPs will be implemented as standard operating procedures during all construction activities, and will include proper handling, storage, and/or disposal of hazardous and/or regulated materials. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils, and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery will be completed in accordance with accepted industry and regulatory guidelines, and all vehicles will have drip pans in place during storage to contain minor spills and drips. Although it is unlikely that a major spill would occur, any spill of reportable quantities will be contained immediately within an earthen dike, and the application of an absorbent (e.g., granular, pillow, sock) will be used to absorb and contain the spill.

2. CBP will contain non-hazardous waste materials and other discarded materials, such as construction waste, until removed from the construction and maintenance sites. This will assist in keeping the project site and surroundings free of litter and reduce the amount of disturbed area needed for waste storage.

3. CBP will minimize site disturbance and avoid attracting predators by promptly removing waste materials, wrappers, and debris from the site. Any waste that must remain more than 12 hours should be properly stored until disposal.

4. All waste oil and solvents will be recycled. All non-recyclable hazardous and regulated wastes will be collected, characterized, labeled, stored, transported, and disposed of in accordance with all applicable federal, state, and local regulations, including proper waste manifesting procedures.

5. Solid waste receptacles will be maintained at the project site. Non-hazardous solid waste (trash and waste construction materials) will be collected and deposited in on-site receptacles. Solid waste will be collected and disposed of by a local waste disposal contractor.

6. Disposal of used batteries or other small quantities of hazardous waste will be handled, managed, maintained, stored, and disposed of in accordance with applicable federal and state rules and regulations for the management, storage, and disposal of hazardous materials, hazardous waste and universal waste. Additionally, to the extent practicable, all batteries will be recycled locally.

7. All rainwater collected in secondary containment will be pumped out, and secondary containment will have netting to minimize exposure to wildlife.

8. A properly licensed and certified hazardous waste disposal contractor will be used for hazardous waste disposal, and manifests will be traced to final destinations to ensure proper disposal is accomplished.

4.9 ROADWAYS AND TRAFFIC

1. Construction vehicles will travel and equipment will be transported on established roads with proper flagging and safety precautions.

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6.0 ACRONYMS/ABBREVIATIONS

ANSI	American National Standards Institute
AOR	Area of Responsibility
AST	aboveground storage tank
ASTM	American Society for Testing and Materials
ATV	All-terrain vehicle
BMP	Best management practices
BPS	Border Patrol Station
CBP	U.S. Customs and Border Protection
CEQ	Council on Environmental Quality
CFC	chlorofluorocarbons
CFR	Code of Federal Regulations
cfs	cubic feet per second
CH_4	methane
CO_2	Carbon dioxide
CRIS	Cultural Resource Information System
CWA	Clean Water Act
dBA	A-weighted decibel
DHS	Department of Homeland Security
DNL	Day-night average sound level
DOE	U.S. Department of Energy
DOI	U.S. Department of the Interior
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
FAAFCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
GOV	Government Owned Vehicle
HFC	hydrochlorofluorocarbons
IDS	intrusion detection system
IEEE	Institute of Electrical and Electronics Engineers
MBTA	Migratory Bird Treaty Act
mg/m^3	milligrams per cubic meter

$\mu g/m^3$	micrograms per cubic meter
MPE	Maximum Permissible Exposure
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NCRP	National Council on Radiation Protection and Measurements
NEPA	National Environmental Policy Act
NFARS	Niagara Falls Air Reserve Station
NFWB	Niagara Falls Water Board
NHPA	National Historic Preservation Act
NLEB	Northern long-eared bat
NOA	Notice of Availability
NPS	National Park Service
NRHP	National Register of Historic Places
NRTMP	Niagara River Toxics Management Plan
NTIA	National Telecommunications and Information Administration
NYPA	New York Power Authority
NYSDEC	New York State Department of Environmental Conservation
NYSDOT	New York State Department of Transportation
OET	Office of Engineering and Technology
OSHA	Occupational Safety and Health Administration
Pb	Lead
$PM_{2.5}$	Particulate matter less than 2.5 microns
PM_{10}	Particulate matter less than 10 microns
ppb	parts per billion
ppm	parts per million
RF	radio frequency
ROI	region of influence
SFHA	Special Flood Hazard Area
SHPO	State Historic Preservation Office
SPCCP	Spill Prevention, Control and Countermeasure Plan
SWPPP	Stormwater Pollution Prevention Plan
USACE	U.S. Army Corps of Engineers
USBP	U.S. Border Patrol
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service

APPENDIX A
CORRESPONDENCE

MAILING LISTS FOR AGENCY COORDINATION LETTERS

Federal

David Stilwell
Field Office Supervisor
U.S. Fish and Wildlife Service
Ecological Services, New York Field Office
3817 Luker Road
Cortland, New York 13045

Walter Mugdan
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, New York 10007

Bryan Young
U.S. Army Corps of Engineers, Buffalo District
Regulatory Branch
1776 Niagara Street
Buffalo, NY 14207

Blake Glover
State Conservationist
Natural Resources Conservation Service, USDA
New York State Office
441 South Salina Street, Suite 354
Syracuse, New York 13202

Andrew Brooks
Environmental Program Manager
Federal Aviation Administration
Eastern Region – Environmental
1 Aviation Plaza, AEA-610
Jamaica, New York 11434

State

Francis P. Cirillo
Regional Director
New York State Department of Transportation
Region 5
100 Seneca Street
Buffalo, NY 14203

Chad Staniszewski
Acting Regional Director
New York State Department of Environmental Conservation
Region 9, Western New York
270 Michigan Ave.
Buffalo NY 14203

Daniel Mackay
Deputy Commissioner
New York State Office of Parks, Recreation and Historic Preservation
Division of Historic Preservation
1 Delaware Avenue North
Albany, New York 12238

Local

Robert Restaino
Mayor
City of Niagara Falls
PO Box 69
745 Main Street
Niagara Falls, NY 14301

Lee Wallace
Town Supervisor
Town of Niagara
5826 Grauer Road
Niagara Falls, NY 14305

Honorable Richard C. Kloch Sr.
Niagara County
Niagara County Supreme Court Justice
175 Hawley Street
Lockport, NY 14094

Tribal

William Tarrant
Seneca-Cayuga Nation of Oklahoma
Tribal Historic Preservation Officer
PO Box 453220
23701 S. 655 Rd, 10 Hwy
Grove, OK 74345-3220

Joe Stahlman
Seneca Nation of Indians
Tribal Historic Preservation Officer
90 Ohi:yo' Way
Salamanca, NY 14779

Roger Hill
Chief
Tonawanda Band of Seneca
P.O. Box 795 7027 Meadville Road
Basom, NY 14013

Leo Henry
Chief
Tuscarora Nation
2006 Mt. Hope Road
Lewiston, NY 14092

William Vanecek
Director of Aviation
Niagara Frontier Transportation Authority
4200 Genesee Street
Buffalo, New York 14225

Kim Powell
914th Air Refueling Wing, Environmental Engineer
Niagara Falls Air Reserve Station
2405 Franklin Drive
Niagara Falls ARS, NY 14304

Coordination Letters

Blake Glover
State Conservationist
Natural Resources Conservation Service, USDA
441 S. Salina Street, Suite 354
Syracuse, New York, 13202

SCOPING

1300 Pennsylvania Avenue NW
Washington, DC 20229

U.S. Customs and Border Protection

October 13, 2021

David Stilwell
United States Fish and Wildlife Service
Ecological Services, New York Field Office
Field Office Supervisor
3817 Luker Road
Cortland, New York 13045
Submitted via email to: FW5es_nyfo@fws.gov

RE: ***Proposed New Niagara Falls Border Patrol Station, Niagara, New York, U.S. Customs and Border Protection, U.S. Border Patrol, Buffalo Sector***

Dear Mr. Stilwell:

United States (U.S.) Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) to address the potential effects, beneficial and adverse, resulting from the proposed construction and operation of a new U.S. Border Patrol (USBP) Station (BPS) in the USBP Buffalo Sector, Niagara, New York. Currently, the Niagara Falls BPS's lack of space is a safety hazard and has a substantial impact on USBP's operational effectiveness. Therefore, the purpose of the proposed new Niagara Falls BPS would be to accommodate existing staff plus allow enforcement flexibility up to 50 agents, reduce overcrowding, and provide adequate equipment storage facilities, ample vehicle parking spaces and a safe working environment for station personnel, detainees, and visitors.

The proposed new Niagara Falls BPS would be located in the town of Niagara, New York (see Enclosures 1 and 2). CBP is analyzing two location alternatives for the proposed Niagara Falls BPS. The proposed locations consist of a 10.6 acre and a 15.45-acre undeveloped parcel of land that are owned by private landowners. The Porter Road Alternative (10.6 acres) is located along the northwest end of Porter Road near the Niagara Falls International Airport and consists of a mix of open fields and wooded areas. The Lockport Road Alternative (15.45 acres) is located south of Lockport Road adjacent to the Niagara Falls Air Reserve Station and consists of primarily open fields bordered by wooded areas.

The proposed new Niagara Falls BPS would accommodate up to 50 agents. The BPS would consist of an approximately 18,030 square feet (sq. ft.) main building and 21,900 sq. ft. of support space. The BPS would include the following spaces: Administration Offices, Break Area, Detention, Fitness, Male and Female Locker Rooms, Mechanical/Electrical/Plumbing Equipment Space, Two (2) kennels, Emergency Generator, Enhanced Lighting and Communication Tower, a perimeter fence, compliant PIV-5 access controls and surveillance systems, and a station tower.

Ancillary Options within this support space would include: 1) Enclosed Parking to accommodate 33 vehicles and ATV/snowmobile storage to accommodate six (6) vehicles; 2) Vehicle Maintenance Bays, Vehicle Wash Rack, Weapons Cleaning, Facility Maintenance and Mechanic Staff Building, Sensor Maintenance Shop; 3) Heliport; 4) Fuel Island; and 5) Four (4) Boat Marine Storage.

CBP is gathering data and input from state and local governmental agencies, departments, and bureaus that may be affected by, or that would otherwise have an interest in, this proposed action. Since your agency or organization may have particular knowledge and expertise regarding potential environmental impacts from CBP's proposed action, your input is sought regarding the likely or anticipated environmental effects of this proposed action. Your response should include any state and local restrictions, permitting or other requirements with which CBP would have to comply during project siting, construction, and operation.

Per DHS Directive 023-01, Rev. 01, *Implementation of the National Environmental Policy Act*, your agency will be provided with a copy of the official Draft EA for review and comment.

Your prompt attention to this request is appreciated. If you have any questions, please contact Mr. John Petrilla at (949) 643-6385 or via email at BPAMNEPA@cbp.dhs.gov and reference "*Proposed New Niagara Falls Border Patrol Station*" in the subject line. Thank you in advance for your assistance.

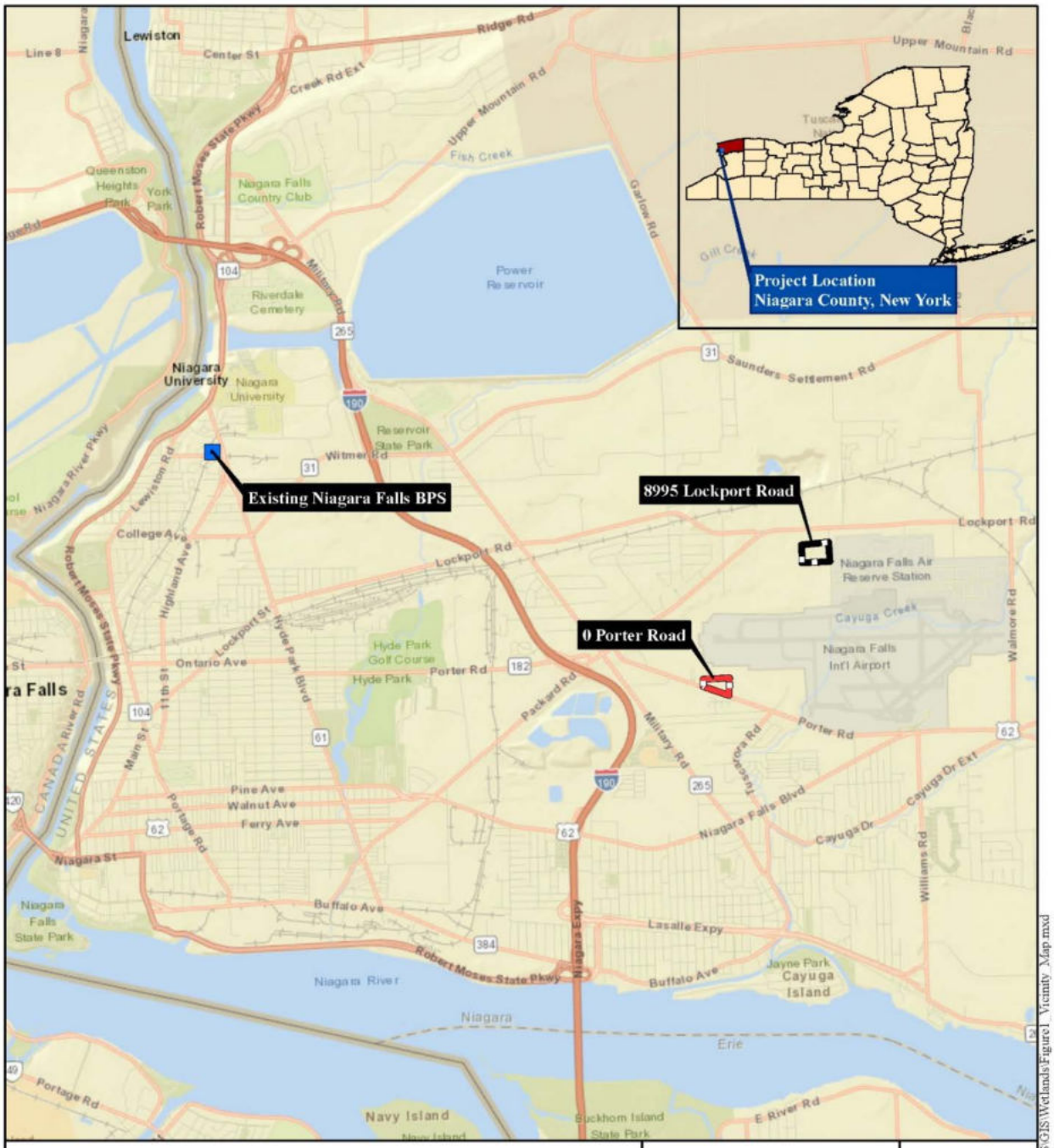
Sincerely,

JOSEPH A ZIDRON
2021.10.13 10:08:08
-07'00'

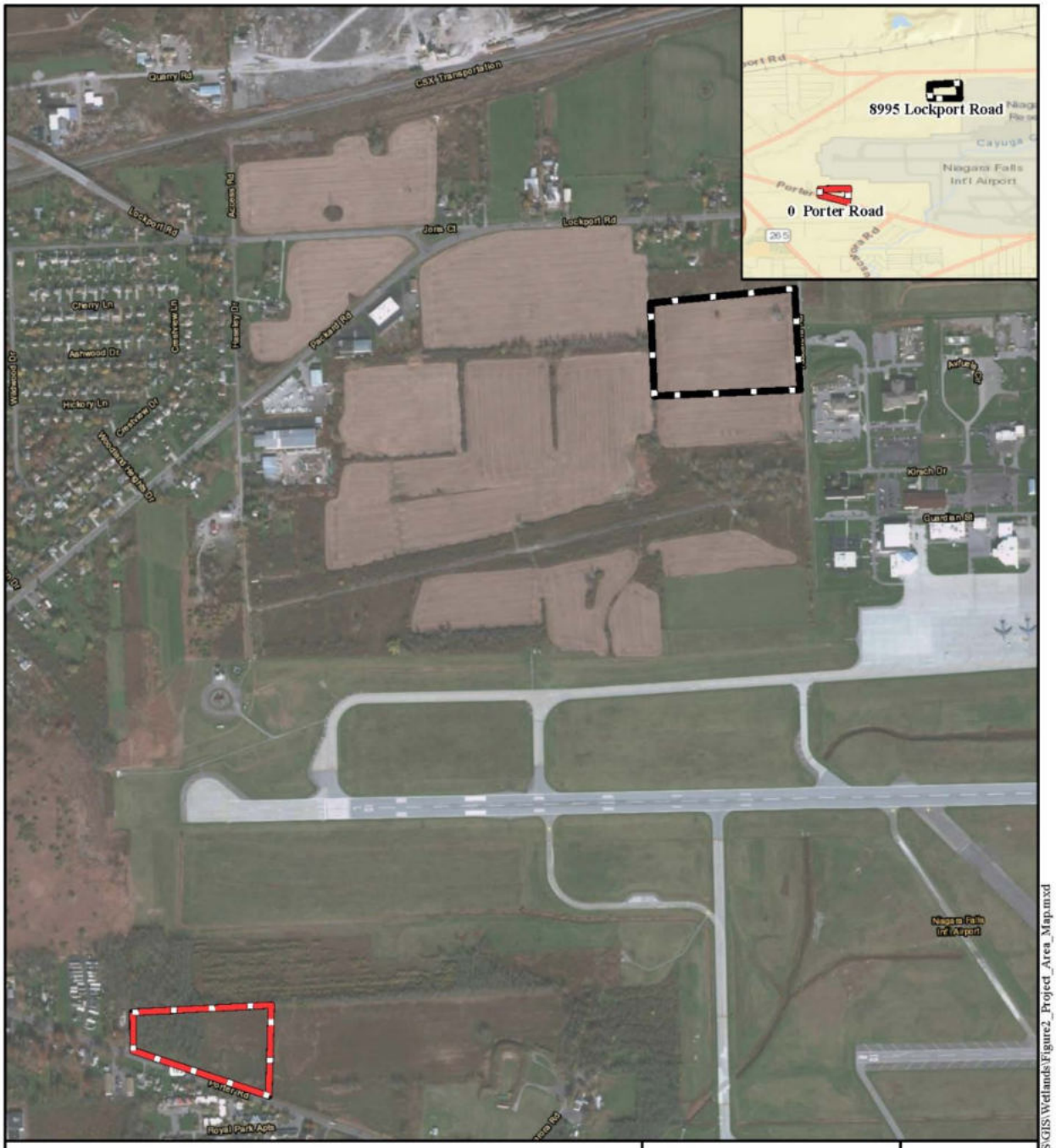
Joseph Zidron
Director, Real Estate, Environmental, and Leasing Division
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure(s)

Enclosure 1. Vicinity Map



Enclosure 2. Location Alternatives Map



Legend
0 Porter Road
8995 Lockport Road

N
0 500 1,000 Feet
0 100 200 Meters

GSRC
August 2021

K:\Projects\80337801d_Niagara Falls_BPS\GIS\Wetlands\Figure2_Project_Area_Map.mxd

COORDINATION LETTER

1300 Pennsylvania Avenue NW
Washington, DC 20229

U.S. Customs and Border Protection

October 13, 2021

Blake Glover
State Conservationist
Natural Resources Conservation Service, USDA
441 S. Salina Street, Suite 354
Syracuse, New York, 13202
Submitted via email to: blake.glover@usda.gov

RE: ***Proposed New Niagara Falls Border Patrol Station, Niagara, New York, U.S. Customs and Border Protection, U.S. Border Patrol, Buffalo Sector***

Dear Mr. Glover:

United States (U.S.) Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) to address the potential effects, beneficial and adverse, resulting from the proposed construction and operation of a new U.S. Border Patrol (USBP) Station (BPS) in the USBP Buffalo Sector, Niagara, New York. Currently, the Niagara Falls BPS's lack of space is a safety hazard and has a substantial impact on USBP's operational effectiveness. Therefore, the purpose of the proposed new Niagara Falls BPS would be to accommodate existing staff plus allow enforcement flexibility up to 50 agents, reduce overcrowding, and provide adequate equipment storage facilities, ample vehicle parking spaces and a safe working environment for station personnel, detainees, and visitors.

The proposed new Niagara Falls BPS would be located in the town of Niagara, New York (see Enclosures 1 and 2). CBP is analyzing two location alternatives for the proposed Niagara Falls BPS. The proposed locations consist of a 10.6 acre and a 15.45-acre undeveloped parcel of land that are owned by private landowners. The Porter Road Alternative (10.6 acres) is located along the northwest end of Porter Road near the Niagara Falls International Airport and consists of a mix of open fields and wooded areas. The Lockport Road Alternative (15.45 acres) is located south of Lockport Road adjacent to the Niagara Falls Air Reserve Station and consists of primarily open fields bordered by wooded areas.

The proposed new Niagara Falls BPS would accommodate up to 50 agents. The BPS would consist of an approximately 18,030 square feet (sq. ft.) main building and 21,900 sq. ft. of support space. The BPS would include the following spaces: Administration Offices, Break Area, Detention, Fitness, Male and Female Locker Rooms, Mechanical/Electrical/Plumbing Equipment Space, Two (2) kennels, Emergency Generator, Enhanced Lighting and

Communication Tower, a perimeter fence, compliant PIV-5 access controls and surveillance systems, and a station tower.

The Farmland Protection Policy Act requires all federal agencies or their representatives to consider the potential impact to prime farmland of all land acquisition and construction projects. There are soils classified as prime, unique, or having state or local importance in the vicinity of the project. Therefore, the project will involve the direct conversion of farmland acreage within these classifications. A preliminary screening with the AD 1006 form (see Enclosure 3) was completed and is attached to this letter for your review, which requires coordination with the Natural Resources Conservation Service (NRCS) branch of the USDA when farmland would be converted for another use.

Your prompt attention to this request is appreciated. If you have any questions, please contact Mr. John Petrilla at (949) 643-6385 or via email at john.p.petrilla@cbp.dhs.gov. Thank you in advance for your assistance.

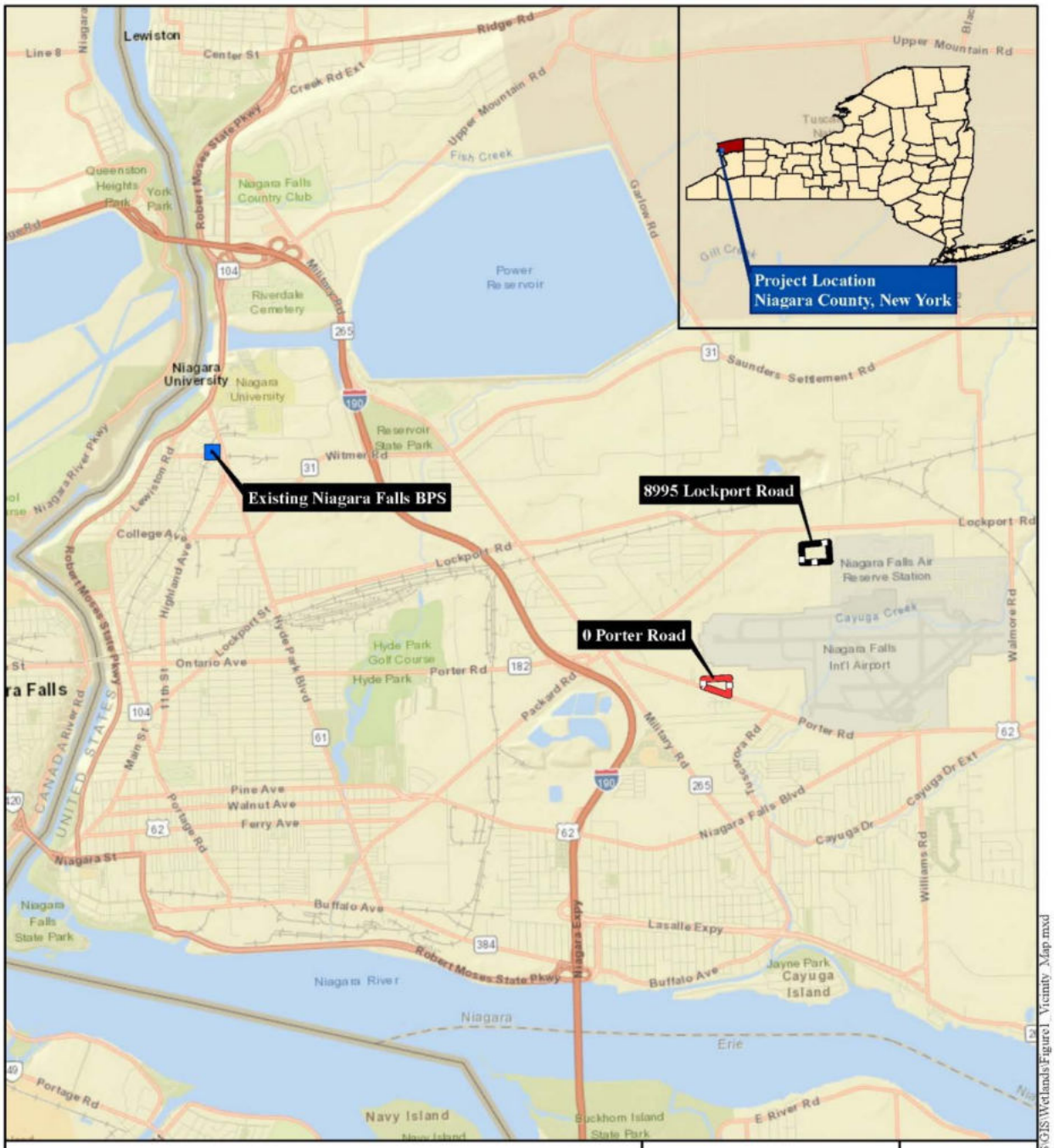
Sincerely,

JOSEPH A ZIDRON
2021.10.13 09:54:44
-07'00'

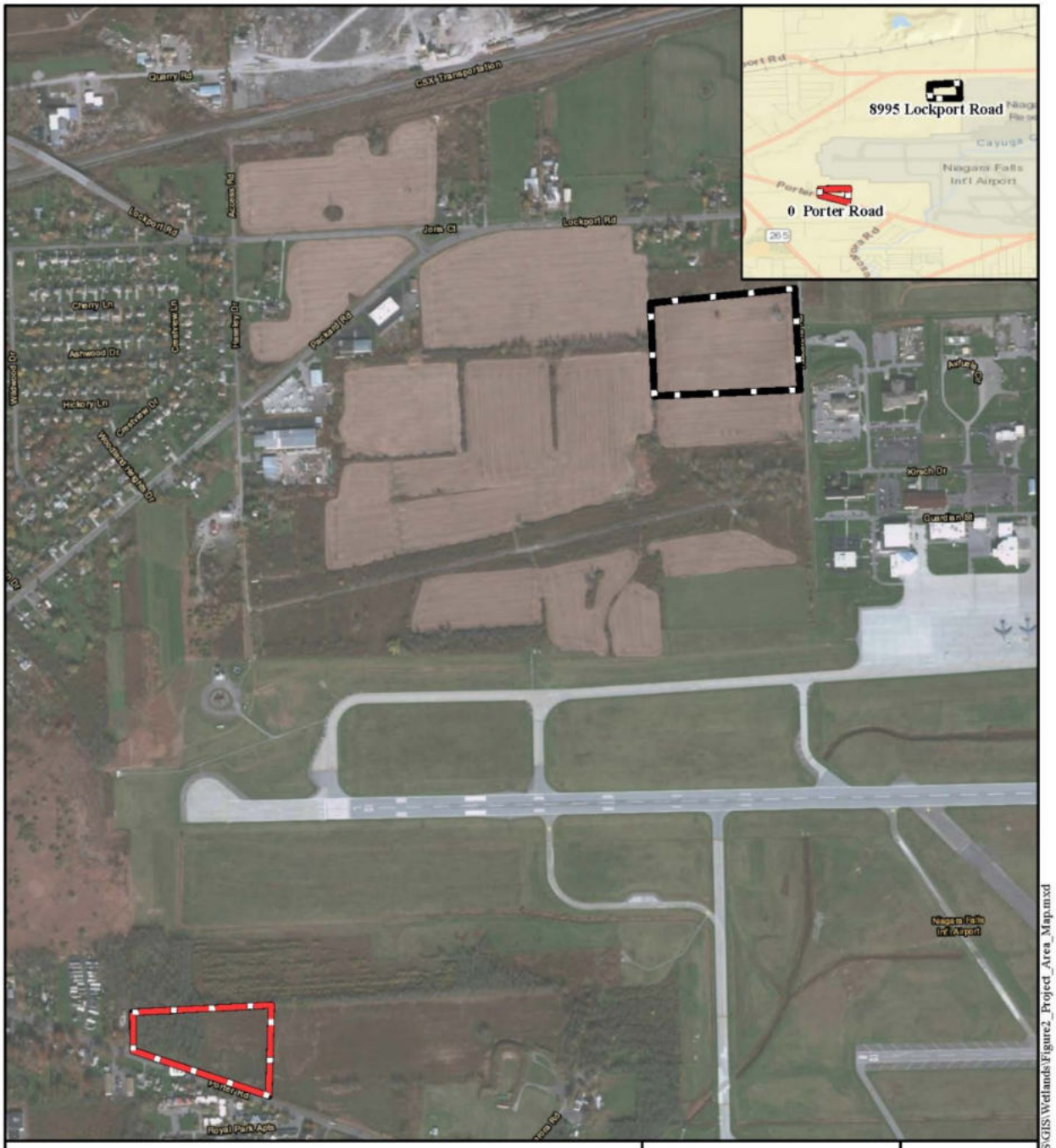
Joseph Zidron
Director, Real Estate, Environmental, and Leasing Division
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure(s)

Enclosure 1. Vicinity Map



Enclosure 2. Location Alternatives Map



Legend
0 Porter Road
8995 Lockport Road

0 500 1,000 Feet
0 100 200 Meters

GSRC
August 2021

K:\Projects\80337801d_Niagara Falls_BPS\GIS\Wetlands\Figure2_Project_Area_Map.mxd

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request 9/29/21
Name of Project Niagara Falls Border Patrol Station EA	Federal Agency Involved U.S. Customs and Border Protectic
Proposed Land Use Border Patrol Station	County and State Niagara , NY
PART II *(To be completed by NRCS)*	Date Request Received By NRCS / Person Completing Form:

Does the site contain Prime, Unique, Statewide or Local Important Farmland? *(If no, the FPPA does not apply - do not complete additional parts of this form)*	YES ☐ NO ☐	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount of Farmland As Defined in FPPA Acres: %	
Name of Land Evaluation System Used	Name of State or Local Site Assessment System	Date Land Evaluation Returned by NRCS	

PART III *(To be completed by Federal Agency)*	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	15.45	10.6		
B. Total Acres To Be Converted Indirectly	0	0		
C. Total Acres In Site	15.45	10.6		
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide Important or Local Important Farmland				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)				

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)*	**Maximum Points**	Site A	Site B	Site C	Site D
1. Area In Non-urban Use	(15)				
2. Perimeter In Non-urban Use	(10)				
3. Percent Of Site Being Farmed	(20)				
4. Protection Provided By State and Local Government	(20)				
5. Distance From Urban Built-up Area	(15)				
6. Distance To Urban Support Services	(15)				
7. Size Of Present Farm Unit Compared To Average	(10)				
8. Creation Of Non-farmable Farmland	(10)				
9. Availability Of Farm Support Services	(5)				
10. On-Farm Investments	(20)				
11. Effects Of Conversion On Farm Support Services	(10)				
12. Compatibility With Existing Agricultural Use	(10)				
TOTAL SITE ASSESSMENT POINTS	160	0	0	0	0
PART VII ***(To be completed by Federal Agency)***					
Relative Value Of Farmland *(From Part V)*	100	0	0	0	0
Total Site Assessment *(From Part VI above or local site assessment)*	160	0	0	0	0
TOTAL POINTS ***(Total of above 2 lines)***	260	0	0	0	0

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES ☐ NO ☑

Reason For Selection:

Name of Federal agency representative completing this form:	Date:

(See Instructions on reverse side) **Form AD-1006 (03-02)**

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006. The Land Evaluation and Site Assessment (LESA) process may also be accessed by visiting the FPPA website, http://fppa.nrcs.usda.gov/lesa/.

Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s)of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The USDA Office Information Locator may be found at http://offices.usda.gov/scripts/ndISAPI.dll/oip_public/USA_map**,** or the offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)

Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days.

Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.

Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.

Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing NRCS office.

Step 7 - The Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

(For Federal Agency)

Part I: When completing the "County and State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

Part III: When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them or other major change in the ability to use the land for agriculture.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities planned build out capacity) that will cause a direct conversion.

Part VI: Do not complete Part VI using the standard format if a State or Local site assessment is used. With local and NRCS assistance, use the local Land Evaluation and Site Assessment (LESA).

1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.

2. Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule after submitting individual agency FPPA policy for review and comment to NRCS. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites, Modifications or Mitigation).

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160.
Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site A}$$

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.

United States Department of Agriculture

October 19, 2021

Katrina Rehrer
Gulf South Research Corporation
8081 Innovation Park Dr.,
Baton Rouge, LA 70820

Re: Proposed Niagara Falls Border Patrol Station (Lockport Road & Porter Road Sites) NRCS FPPA review

Ms. Reher,

I have received the materials with the information needed to complete a Farmland Conversion Impact Rating (NRCS-AD-1006) for the project cited above which is required by U.S. Customs and Border Protection (CBP). After reviewing the documentation, it is clear that the project is exempt from the Farmland Protection Policy Act (FPPA) provision.

Although the project may contain soils designated as prime or statewide important for farmland, the project is exempt for a few reasons. The policy defines farmland and its exclusions. These sites will be exempt because both proposed sites fall within the boundary for urban area as defined by the US Census (Buffalo, NY Urbanized Area).

> **Section 7 CFR Ch VI Farmland Protection Policy Act**
> Part 658.3 Applicability & Exemptions
> Paragraph (a) ''Farmland'' does not include land already in or committed to urban development or water storage. Farmland already in urban development also includes lands identified as ''urbanized area'' (UA) on the Census Bureau Map, or as urban area mapped with a ''tint overprint'' on the USGS topographical maps, or as ''urban-built-up'' on the USDA Important Farmland Maps. Areas shown as white on the USDA Important Farmland Maps are not ''farmland'' and, therefore, are not subject to the Act.
>
> Additionally, Paragraph (b) states that acquisition or use of farmland by a Federal agency for national defense purposes is exempted by section 1547(b) of the Act , 7 U.S.C. 4208(b)

Please provide this letter of exemption to the agency that is providing federal funding to the project. If you have any questions about this determination, please feel free to contact me.

Kathryn Duncan

Kathryn Duncan
GIS Specialist

An Equal Opportunity Provider and Employer

NEW YORK STATE OF OPPORTUNITY. | Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

May 28, 2021

Katrina Rehrer
Project Manager
Gulf South Research Corporation
8081 Innovation Park Drive
Baton Rouge, LA 70820

Re: CBP
Niagara Falls Border Patrol Station (2 potential site options)
8995 Lockport Rd or 0 Porter Rd, Niagara, Niagara County, NY
21PR03223

Dear Katrina Rehrer:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay
Deputy State Historic Preservation Officer
Division for Historic Preservation

From: Joe Stahlman
To: Katrina Rehrer
Subject: RE: External: Proposed New Niagara Falls Border Patrol Station Consultation
Date: Thursday, October 14, 2021 7:19:39 AM
Attachments: image002.png
image003.jpg

Ms. Rehrer,
Thank you for your message. At this time, SNITHPO has determined the two proposed locations to having a "No Effect". We are fine with the proposed building. However, if anything changes or anything is uncovered during the project, please contact us immediately.

Thank you,

Joe

Dr. Joe Stahlman
Director
Seneca-Iroquois National Museum
Tribal Historic Preservation Office
Onöhsagwë:De' Cultural Center
82 W. Hetzel Street
Salamanca, NY 14779
Phone (716) 945-1760
Cell (716) 277-5580
Joe.Stahlman@sni.org

From: Katrina Rehrer [mailto:KRehrer@gsrcorp.com]
Sent: Wednesday, October 13, 2021 3:18 PM
To: Joe Stahlman <Joe.Stahlman@sni.org>
Subject: External: Proposed New Niagara Falls Border Patrol Station Consultation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Mr. Stahlman,

My name is Katrina Rehrer with Gulf South Research Corporation, and I am reaching out on behalf of U.S. Customs and Border Protection (CBP) in regards to their proposed project. CBP is preparing an Environmental Assessment to address the potential effects, beneficial and adverse, resulting from the proposed construction and operation of a new U.S. Border Patrol (USBP) Station (BPS) in the USBP Buffalo Sector, Niagara, New York. The proposed new Niagara Falls BPS would be located in the town of Niagara, New York; the proposed location alternatives consist of a 10.6 acre and a 15.45-acre undeveloped parcel of land that are owned by private landowners.

CBP is gathering data and input from state and local governmental agencies, departments, and bureaus that may be affected by, or that would otherwise have an interest in, this proposed action. Since your agency or organization may have particular knowledge and expertise regarding potential environmental impacts from CBP's proposed action, your input is sought regarding the likely or

anticipated environmental effects of this proposed action. Your response should include any state and local restrictions, permitting or other requirements with which CBP would have to comply during project siting, construction, and operation.

Your prompt attention to this request is appreciated. If you have any questions, please contact Mr. John Petrilla at (949) 643-6385 or via email at BPAMNEPA@cbp.dhs.gov and reference "Proposed New Niagara Falls Border Patrol Station" in the subject line. Thank you in advance for your assistance.

Thank you for time,

Katrina Rehrer

Gulf South Research Corporation
Natural Resources Specialist
8081 Innovation Park Dr., Baton Rouge, LA 70820
O: (225) 757-8088

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please delete this message. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. Finally, the recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email. https://www.sni.org

From: BPAM NEPA
To: PETRILLA, JOHN; REGAN, LAURI R (CTR)
Subject: FW: Proposed New Niagara Falls Border Patrol Station
Date: Wednesday, October 20, 2021 4:39:52 PM
Attachments: 2017-09-29 IAG Obstruction Removal Transmittal and FONSI.pdf

---

FYSA
Respectfully,
Rachael S. Bright

From: Brooks, Andrew (FAA) <Andrew.Brooks@faa.gov>
Sent: Wednesday, October 20, 2021 8:19 AM
To: BPAM NEPA <bpamnepa@cbp.dhs.gov>
Subject: Proposed New Niagara Falls Border Patrol Station

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. If you feel this is a suspicious-looking email, please report by using the Report Phish button option.

Mr. Petrilla,

The FAA only has one recent NEPA document for any projects at or near Niagara Falls International Airport (IAG). The project in question was an obstruction removal project from 2017 that identified wetlands in the area. I have attached a copy of our decision document for reference; however, we only have the EA itself in hard files in the office and not electronically. Further, the wetland delineations done for that project would likely require updating due to the time that has lapsed.

Moving forward, the FAA would like to be kept involved as a Participating Agency via the NEPA process for the proposed CBP station due to the proximity of the two sites to IAG. Though we likely would have no federal action, the areas under consideration may require the filing of Notices of Construction or Alteration (Form 7460) due to their location below approach and departure surfaces.

Please let me know if you have any further questions. Thanks,

Andrew Brooks
Environmental Program Manager
Federal Aviation Administration
Eastern Regional Office
1 Aviation Plaza
Jamaica, NY 11434
Phone: 718-553-2511

From: Katrina Rehrer
To: Samantha Brenzel
Cc: william vanecek; Brian McDonald; REGAN, LAURI R (CTR)
Subject: RE: Proposed Niagara Falls Border Patrol Station
Date: Thursday, October 28, 2021 10:50:08 AM

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. If you feel this is a suspicious-looking email, please report by using the Report Phish button option.

Good morning Samantha,

Thank you for your email and your inquiries. A consultation letter has been sent to Niagara Falls Air Reserve Station. I have forwarded your questions regarding the project schedule and communication tower specifics onto the proper contacts with CBP who will provide that information.

If there are additional questions, please address them to BPAMNEPA@cbp.dhs.gov.

Thanks,
Katrina Rehrer
Gulf South Research Corporation
Natural Resources Specialist
8081 Innovation Park Dr., Baton Rouge, LA 70820
o: (225) 757-8088

From: Samantha Brenzel <Samantha.Brenzel@nfta.com>
Sent: Thursday, October 28, 2021 8:40 AM
To: Katrina Rehrer <KRehrer@gsrcorp.com>
Cc: william vanecek <William.Vanecek@nfta.com>; Brian McDonald <Brian.McDonald@nfta.com>
Subject: Proposed Niagara Falls Border Patrol Station

Hello Katrina,

I received the proposal you sent regarding the new proposed CBP station near the Niagara Falls Airport. We appreciate you sending us a description of the project prior to us seeing the Draft EA documents. I am circulating the document now to the appropriate people in our organization for comment, I hope to get some notes back to you next week. In the meantime can you answer a few things for me;

1. Have you sent this to the Niagara Falls Air Reserve Station?

2. Have you sent this to the Air Traffic Control Tower?
3. Do you have any other details about the communications tower, height, frequencies?
4. Project schedule, when is anticipated construction to begin?

Thank you!
Samantha Brenzel
Senior Aviation Planner, NFTA
The information contained in this email is intended only for the use of the person or entity to whom it is addressed and may contain information that is confidential and exempt from disclosure under applicable laws. If you read this message and are not the addressee, you are notified that use, dissemination and reproduction of this message is prohibited. If you have received this message in error, please notify the sender immediately and delete this message from your system.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

November 2, 2021

Mr. John Petrilla
U.S. Customs and Border Protection
24000 Avila Road, Suite 5020
Laguna Niguel, CA 92677

Re: Proposed New Niagara Falls Border Patrol Station, Niagara, New York -Environmental Assessment Scoping Comments

Dear Mr. Petrilla:

The U.S. Environmental Protection Agency (EPA) has reviewed the request by the U.S. Customs and Border Protection (CBP) to provide scoping comments in anticipation of the preparation of an Environmental Assessment (EA) for the proposed construction and operation of a new Border Patrol Station (BPS) in the Buffalo Sector, Niagara, New York. The lack of space at the current existing Niagara Falls BPS constitutes a safety hazard and has substantial impacts on the operational effectiveness of the facility. The proposed new Niagara Falls BPS would accommodate existing staff and allow for additional enforcement flexibility of up to 50 agents, reduce overcrowding and provide a safe working environment for station personnel, detainees, and visitors. Two location alternatives are being considered for the proposed Niagara Falls BPS.

At this stage, little information has been provided on potential environmental impacts associated with the proposed construction and operation of the Niagara Falls BPS. EPA offers the following comments to help CBP develop a comprehensive EA that considers potential issues within our jurisdiction.

- When developing the EA, the description of alternatives should indicate the motivation and site-selection procedure for developing each location alternative. The No Action alternative should also be evaluated in this section of the EA. Further, environmental impacts associated with each alternative should be clearly presented in a comparative form to provide a clear basis for selection.

- The Niagara-Buffalo region is currently designated as an attainment area for all criteria pollutants, including Carbon Monoxide (CO), Sulfur Dioxide (SO2), Particulate Matter (both PM10 and PM2.5), Nitrogen Dioxide (NO2), Lead (Pb) and Ozone (O3) under National Ambient Air Quality Standards (NAAQS). While a general conformity analysis is not required for this project, the activities associated with the construction of the proposed Niagara BPS may still result in adverse air and noise impacts to the surrounding area. EPA recommends CBP consider ways to mitigate these potential impacts, including noise reduction strategies, options that explore diesel controls, and cleaner fuel (ultra-low sulfur diesel) and construction practices for on-road and off-road equipment. This could include implementation of technologies such as diesel particulate filters, diesel oxidation catalysts, or use of contemporary, cleaner equipment, such as Tier 4 rated equipment to minimize localized impacts to nearby communities.

- Upon preliminary review, it appears that the two location alternatives presented in the scoping request letter are near several bodies of water (Niagara River) and streams, some of which, such as Cayuga Creek, have been classified as impaired. The EA should disclose potentially impacted waterbodies and should assess whether further degradation of impaired bodies of water may occur as a result of the proposed construction and operation of the Niagara Falls BPS.

- New York State Department of Environmental Conservation (NYS DEC) has been designated by EPA to regulate discharges to waters pursuant to the Clean Water Act. Activities requiring a State Pollution Discharge Elimination System (SPDES) permit include point source discharges of wastewater into surface or groundwater of the state, constructing or operating a disposal system (sewage treatment plant), discharge of stormwater, and construction activities that disturb one or more acres. Both the Porter Road (10.6 acres) and Lockport Road (15.5 acres) alternatives may require a SPDES permit, therefore EPA recommends coordination with NYS DEC during the development of the EA.

- A number of freshwater forested/shrub and emergent wetlands are in close proximity to the proposed locations for the new Niagara BPS. EPA encourages CBP to avoid special aquatic sites, including wetlands, to the maximum extent practicable. To that end, the EA should evaluate all alternatives that would have the smallest construction footprint and avoid impacts to wetlands. In addition, any construction related indirect impacts, including water quality impacts and erosion or sedimentation impacts to wetlands or waterbodies should be analyzed.

- With respect to potential impacts on aquatic and terrestrial species, EPA recommends consultation with the U.S. Fish and Wildlife Service. The Information for Planning and Consultation (IPaC) digital project planning tool can be used to identify potential vulnerabilities that should be addressed in the development of the project. This tool can be found here: https://ecos.fws.gov/ipac/. For example, application of this tool indicates that several Birds of Conservation Concern, including the Blue-winged Warbler, Lesser Yellowlegs, Short-billed Dowitcher and Wood Thrush are located within the project area. Additionally, the Bald Eagle is indicated to be present in the Niagara-Buffalo region. The EA should assess how the construction of the Niagara BPS (especially actions involving tree clearing) may affect nearby birds including Bald Eagles, which are protected under the Bald and Golden Eagle Protection Act, and other species protected under the Migratory Bird Treaty Act.

Additional general topics for CBP to consider in developing the EA include:

- Climate Change: EPA refers CBP to the 2016 Council on Environmental Quality final guidance on consideration of greenhouse gas emissions and the effects of climate change as a resource for addressing, as appropriate, greenhouse gas emissions, disclosing climate change impacts and considering practicable mitigation to reduce potential greenhouse gas emissions.
- Environmental Justice: EPA recommends using support tools such as the EPA's Environmental Justice Screening and Mapping Tool (EJSCREEN, available at https://ejscreen.epa.gov/mapper/) to consider possible impacts related to the proposed construction and operation of the Niagara Falls BPS on vulnerable adjacent communities.
- Coordination with Tribal Governments: If there are federally recognized Tribes that are expected to be affected by proposed action, we recommend the EA describe the process and outcomes of consultations with tribal governments including major issues raised and how those issues were addressed in the NEPA process.
- EPA also encourages the integration of energy-efficient technologies as well as products and practices that promote water conservation and efficiency when applicable.
- Finally, we recommend continued interagency coordination during the project development to assist in the development of avoidance, minimization, and mitigation measures.

Thank you for the opportunity to provide scoping comments on the proposed new Niagara Falls BPS. EPA looks forward to reviewing the EA once it becomes made available. Should you have any questions or wish to discuss our comments, please contact Samantha Nyer at (212) 637-3666 or nyer.samantha@epa.gov.

Sincerely,

Mark Austin

Mark Austin, Team Lead
Environmental Review Team

To: REGAN, LAURI R (CTR); PETRILLA, JOHN
Subject: BPAM NEPA Mailbox / Niagara Falls BPS Draft EA - NYSDOT Comments
Date: Monday, December 6, 2021 3:56:14 PM
Attachments: image001.png
Niagara BPS EA_Draft EA Transmittal Agency Letters_Cirillo.pdf

---

FYSA

Respectfully,

Rachael S. Bright

From: Hayes, Ron (DOT) <Ron.Hayes@dot.ny.gov>
Sent: Monday, December 6, 2021 11:41 AM
To: BPAM NEPA <bpamnepa@cbp.dhs.gov>
Cc: Cirillo, Frank P (DOT) <Frank.Cirillo@dot.ny.gov>; Buffamonte, Joseph (DOT) <Joseph.Buffamonte@dot.ny.gov>; Brummer, Henry J (DOT) <Henry.Brummer@dot.ny.gov>; Abraham, Norman (DOT) <Norman.Abraham@dot.ny.gov>
Subject: Niagara Falls BPS Draft EA - NYSDOT Comments

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. If you feel this is a suspicious-looking email, please report by using the Report Phish button option.

John Petrilla
Acting Environmental Branch Chief,

New York State Department of Transportation (NYSDOT) reviewed the information submitted for the Draft Environmental Assessment for the *New Niagara Falls Border Patrol Station Niagara, New York, U.S. Customs and Border Protection, U.S. Border Patrol, Buffalo Sector* project and has the following comments:

- The proposed project will not have a significant impact to traffic on the State Highway System.
- Based upon the BPS Draft EA, and documentation for Alternative 1 (Lockport Road) and Alternative 2 (Porter Road) it does not appear that any proposed work is located within the State Highway Right-of-Way (ROW). However, if any proposed work is located within the State Highway Right-of-Way then a NYSDOT Highway Work Permit will be required.

Please do not hesitate to contact me if you have any questions or concerns.

Thank you,

Ron Hayes
Ronald J. Hayes
Planning and Program Management
SEQR/Site Plan Coordinator

New York Department of Transportation
100 Seneca Street, Buffalo, NY 14203

(716) 847-3381 I (518) 810-9951 cell
Ron.Hayes@dot.ny.gov www.dot.ny.gov

NEW YORK STATE OF OPPORTUNITY | Department of Transportation

NOTICE OF AVAILABILITY

DRAFT ENVIRONMENTAL ASSESSMENT
FOR
THE NEW NIAGARA FALLS BORDER PATROL STATION
U.S. BORDER PATROL, BUFFALO SECTOR, NEW YORK
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY
WASHINGTON, D.C.

The public is hereby notified of the availability of the draft Environmental Assessment (EA) and draft Finding of No Significant Impact (FONSI) prepared by U.S. Customs and Border Protection (CBP) to address the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of a new U.S. Border Patrol (USBP) Station (BPS) in Niagara, New York. The proposed new BPS would be constructed to accommodate 50 agents and would replace the current Niagara Falls BPS, which does not have the capacity to meet current and future needs for USBP operations in the area. Therefore, the new BPS and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The draft EA and FONSI will be available to the public for download from the CBP web page at the following URL address: http://www.cbp.gov/about/environmental-culturalstewardship/nepa-documents/docs-review.

A copy of the EA and Draft FONSI is also available at the following libraries:

- Niagara Falls Public Library, 1425 Main Street, Niagara Falls

The 30-day public comment period begins with publication of this Notice of Availability. In order for comments to be considered, comments on the Draft EA must be received by December 9, 2021. Comments should be sent to Mr. John Petrilla via email to BPAMNEPA@cbp.dhs.gov (please include "*Niagara Falls BPS Draft EA*" in the subject line) or by mail to:

Mr. John Petrilla
U.S. Customs and Border Protection
24000 Avila Road, Suite 5020
Laguna Niguel, CA 92677

From: Brooks, Andrew (FAA)
To: "BPAMNEPA@cbp.dhs.gov"
Cc: "REGAN, LAURI R (CTR)"; Sheehan, Madelyn T (FAA); Carlin, David (FAA); Katrina Rehrer
Subject: Niagara Falls BPS Draft EA- FAA Review Comments
Date: Wednesday, December 1, 2021 3:43:31 PM

Thank you for providing us the Draft EA for the New Niagara Falls Border Patrol Station. In our previous discussions on this project, the FAA indicated the need to submit an FAA Form 7460-1, Notice of Proposed Construction or Alteration, to further review of plans and/or designs for this project. We note that this input is included in the EA.

The project description contained within the EA includes greater detail on the proposed building components than had been provided in previous communication between our agencies. These details, specifically the inclusion of a helipad and a 100-foot free standing radio tower, greatly inform our following comments.

Regarding the inclusion of a helipad, this will also require the submittal of an FAA Form 7480-1, Notice for Construction, Alteration and Deactivation of Airports (instructions can be found at https://www.faa.gov/air_traffic/flight_info/aeronav/acf/media/Presentations/17-02-RD262_faaform-7480-1-notice-for-construction-2014.pdf). The inclusion of a helipad for the Alternative 2 Porter Road location would likely result in operational interference with Niagara Falls International Airport (IAG), particularly Runway 10R-28L due to the proposed location being on the extended centerline of the runway and in close proximity to the current runway end. The FAA is aware that the Niagara Frontier Transportation Authority (NFTA), the owner and operator of IAG, has indicated a desire to close runway 10R-28L in the near future. However, as of this review, the runway is open and operational and no documentation requesting runway closure has been submitted to the FAA. We encourage you to coordinate directly with NFTA on their future plans for the runway to help inform your decision for the preferred alternative site.

Additionally regarding the helipad, we encourage you to coordinate with the US Air Force and Air National Guard Units operating at IAG to ensure that the proposed locations would not interfere with their respective mission activities.

Regarding the 100-foot radio tower, we encourage you to submit FAA Form 7460-1 for the proposed location of that structure, including altitude and longitude of the desired location, so that the FAA and Air Force can review to determine any proposed impacts to operational surfaces at IAG. Based on the height of the proposed structure and the proximity of the proposed locations to all three runways at IAG, there is a likelihood that established traffic pattern operations (including operations conducted by low flying helicopters) and FAR Part 77 or Terminal Instrument Procedure (TERPS) surfaces may be penetrated by the structure and the submittal of the appropriate forms will allow the FAA to further determine what impact to the operation may occur and what remediation would be necessary. You should also coordinate this proposal with the Air Force and Air National Guard Units at IAG to ensure it would not interfere with their respective mission activities.

Regarding the text of the Draft EA itself, Section 2.5, Recent Ongoing, and Reasonably Foreseeable Projects within the Geographic Baseline of the Proposed Action, does not have any information

regarding proposed or recent airport development, which should be included given the proximity of IAG to the two alternative sites. We suggest you coordinate with NFTA and the aforementioned military units at IAG to get additional information regarding recent, ongoing, and reasonably foreseeable airport development projects.

Regarding noise in Chapter 3, we encourage you to work with NFTA and the military units to develop a protocol regarding noise complaints should any arise from the helicopter operations from the proposed facility.

We are available to discuss these comments as needed. Thank you,

Andrew Brooks
Environmental Program Manager
Federal Aviation Administration
Eastern Regional Office
1 Aviation Plaza
Jamaica, NY 11434
Phone: 718-553-2511

NIAGARA GAZETTE
LOCKPORT UNION-SUN & JOURNAL
473 THIRD STREET
NIAGARA FALLS NY 14301
(716)282-2311ext

ORDER CONFIRMATION

Salesperson: ROBIN MEISBURGER Printed at 11/03/21 13:56 by rmeis

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7602 GSRI AVE
BATON ROUGE LA 70820

Start: 11/09/2021 Stop: 11/09/2021
Times Ord: 1 Times Run: ***
LEG 2.00 X 56.00 Words: 288
Total LEG 112.00
Class: 105 PUBLIC NOTICES
Rate: LEGL Cost: 61.35
Affidavits: 1
Ad Descrpt: NOTICE OF AVAILABILITY
Descr Cont: NOTICE OF AVAILABILITY DR
Given by: *
P.O. #:
Created: rmeis 10/28/21 15:42
Last Changed: rmeis 11/03/21 13:56

Contact:
Phone: (225)757-8088
Fax#:
Email: krehrer@gsrcorp.com
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AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Please review upon receipt. Please notify us of any changes prior to the daily deadline of 4:00 pm today.

_____ _____
Name (print or type) Name (signature)

(CONTINUED ON NEXT PAGE)

NIAGARA GAZETTE
LOCKPORT UNION-SUN & JOURNAL
473 THIRD STREET
NIAGARA FALLS NY 14301
(716)282-2311ext

ORDER CONFIRMATION (CONTINUED)

Salesperson: ROBIN MEISBURGER Printed at 11/03/21 13:56 by rmeis

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Acct #: 80844 Ad #: 291559 Status: New

NOTICE OF AVAILABILITY

DRAFT ENVIRONMENTAL ASSESSMENT FOR THE NEW NIAGARA FALLS BORDER PATROL STATION U.S. BORDER PATROL, BUFFALO SECTOR, NEW YORK U.S. CUSTOMS AND BORDER PROTECTION DEPARTMENT OF HOMELAND SECURITY WASHINGTON, D.C.

The public is hereby notified of the availability of the draft Environmental Assessment (EA) and draft Finding of No Significant Impact (FONSI) prepared by U.S. Customs and Border Protection (CBP) to address the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of a new U.S. Border Patrol (USBP) Station (BPS) in Niagara, New York. The proposed new BPS would be constructed to accommodate 50 agents and would replace the current Niagara Falls BPS, which does not have the capacity to meet current and future needs for USBP operations in the area. Therefore, the new BPS and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The draft EA and FONSI will be available to the public for download from the CBP web page at the following URL address: http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review.

A copy of the EA and Draft FONSI is also available at the following libraries:

Niagara Falls Public Library, 1425 Main Street, Niagara Falls

The 30-day public comment period begins with publication of this Notice of Availability. In order for comments to be considered, comments on the Draft EA must be received by December 9, 2021. Comments should be sent to Mr. John Petrilla via email to BPAMNEPA@cbp.dhs.gov (please include "Niagara Falls BPS Draft EA" in the subject line) or by mail to:

Mr. John Petrilla
U.S. Customs and Border Protection
24000 Avila Road, Suite 5020
Laguna Niguel, CA 92677
#N291559 11/9/2021

1300 Pennsylvania Avenue NW
Washington, DC 20229

U.S. Customs and Border Protection

November 3, 2021

Niagara Falls Public Library
Attn: Librarian
1425 Main Street
Niagara Falls, NY 14305

RE: ***Draft Environmental Assessment for the new Niagara Falls Border Patrol Station, Niagara, New York, U.S. Customs and Border Protection, U.S. Border Patrol, Buffalo Sector***

Dear Librarian:

I request that your library make available to the public the enclosed Draft Environmental Assessment (EA) and FONSI for a 30-day public review period, beginning on November , 2021, following the publication of the Notice of Availability in the Niagara Gazette. The EA and FONSI are also available for review and download from the following web address: http://www.cbp.gov/ about/environmental-cultural-stewardship/nepa-documents/docs-review.

Comments on the draft EA and draft FONSI must be received by December 9, 2021. Comments can be submitted to John Petrilla at: U.S. Customs and Border Protection, 24000 Avila Road, Suite 5020, Laguna Niguel, CA 92677 or by email at BPAMNEPA@cbp.dhs.gov. When submitting via email, please reference "Niagara Falls BPS Draft EA" in the subject line. Thank you in advance for your assistance.

Sincerely,

JOHN P PETRILLA
Digitally signed by JOHN P PETRILLA
Date: 2021.11.03 15:26:26 -07'00'

John Petrilla
Acting Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure

MAILING LISTS FOR DRAFT EA

Federal

David Stilwell
Field Office Supervisor
U.S. Fish and Wildlife Service
Ecological Services, New York Field Office
3817 Luker Road
Cortland, New York 13045

Walter Mugdan
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, New York 10007

Bryan Young
U.S. Army Corps of Engineers, Buffalo District
Regulatory Branch
1776 Niagara Street
Buffalo, NY 14207

Blake Glover
State Conservationist
Natural Resources Conservation Service, USDA
New York State Office
441 South Salina Street, Suite 354
Syracuse, New York 13202

Andrew Brooks
Environmental Program Manager
Federal Aviation Administration
Eastern Region – Environmental
1 Aviation Plaza, AEA-610
Jamaica, New York 11434

State

Francis P. Cirillo
Regional Director
New York State Department of Transportation
Region 5
100 Seneca Street
Buffalo, NY 14203

Chad Staniszewski
Acting Regional Director
New York State Department of Environmental Conservation
Region 9, Western New York
270 Michigan Ave.
Buffalo NY 14203

Daniel Mackay
Deputy Commissioner
New York State Office of Parks, Recreation and Historic Preservation
Division of Historic Preservation
1 Delaware Avenue North
Albany, New York 12238

Local

Robert Restaino
Mayor
City of Niagara Falls
PO Box 69
745 Main Street
Niagara Falls, NY 14301

Lee Wallace
Town Supervisor
Town of Niagara
5826 Grauer Road
Niagara Falls, NY 14305

Honorable Richard C. Kloch Sr.
Niagara County
Niagara County Supreme Court Justice
175 Hawley Street
Lockport, NY 14094

Tribal

William Tarrant
Seneca-Cayuga Nation of Oklahoma
Tribal Historic Preservation Officer
PO Box 453220
23701 S. 655 Rd, 10 Hwy
Grove, OK 74345-3220

Joe Stahlman
Seneca Nation of Indians
Tribal Historic Preservation Officer
90 Ohi:yo' Way
Salamanca, NY 14779

Roger Hill
Chief
Tonawanda Band of Seneca
P.O. Box 795 7027 Meadville Road
Basom, NY 14013

Leo Henry
Chief
Tuscarora Nation
2006 Mt. Hope Road
Lewiston, NY 14092

William Vanecek
Director of Aviation
Niagara Frontier Transportation Authority
4200 Genesee Street
Buffalo, New York 14225

Kim Powell
914th Air Refueling Wing, Environmental Engineer
Niagara Falls Air Reserve Station
2405 Franklin Drive
Niagara Falls ARS, NY 14304

1300 Pennsylvania Avenue NW
Washington, DC 20229

U.S. Customs and Border Protection

November 3, 2021

David Stilwell
United States Fish and Wildlife Service
Ecological Services, New York Field Office
Field Office Supervisor
3817 Luker Road
Cortland, New York 13045
Submitted via email to: FW5es_nyfo@fws.gov

RE: ***Draft Environmental Assessment for the new Niagara Falls Border Patrol Station, Niagara, New York, U.S. Customs and Border Protection, U.S. Border Patrol, Buffalo Sector***

Dear Mr. Stilwell:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction, operation, and maintenance of a new Niagara Falls Border Patrol Station in Niagara, New York. The Draft EA was prepared in compliance with the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S. Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations (40 Code of Federal Regulations Part 1500 et seq.), DHS Directive Number 023-01, Rev.01, and DHS Instruction Manual 023-01-001-01, *Implementation of the National Environmental Policy Act*.

The Draft EA and FONSI can be downloaded from the CBP web page at the following URL address: http://www.cbp.gov/about/environmental-management-sustainability/documents/docsreview. Comments on the Draft EA must be received by December 9, 2021. Comments can be submitted to John Petrilla at: U.S. Customs and Border Protection, 24000 Avila Road, Suite 5020, Laguna Niguel, CA 92677 or by email at BPAMNEPA@cbp.dhs.gov. When submitting via email, please reference "Niagara Falls BPS Draft EA" in the subject line.

Sincerely,

JOHN P PETRILLA
Digitally signed by JOHN P PETRILLA
Date: 2021.11.03 15:26:26 -07'00'

John Petrilla
Acting Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure

285 Delaware Avenue, Suite 500
Buffalo, New York 14202
United States
www.ghd.com

Our ref: 11124897

December 07, 2021

Mr. John Petrilla
U.S. Customs and Border Protection
240000 Avila Road
Suite 5020
Laguna Niguel, California 92677

Niagara Falls Border Patrol Station Draft Environmental Assessment Comments
Dear Mr. Petrilla,

On behalf of the Town of Niagara (Town), GHD has completed a review of the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction, operation, and maintenance of a new Niagara Falls Border Patrol Station (BPS) in the Town. It is our understanding, that U.S. Customs and Border Protection (CBP) is proposing a new BPS to address health, safety and operational concerns associated with the current BPS and is considering two location alternatives in the Town, a 15.45-acre parcel located south of Lockport Road on Tuscarora Road and a 10.6-acre parcel located on Porter Road.

We offer the following comments on the EA and FONSI documents:

- Niagara Airport Commercial Park – The Lockport Road alternative is situated on land zoned Heavy Industrial, and the proposed new BPS appears to be compatible with permitted land use. However, The Lockport Road site is also situated on land previously approved as part of a 217-acre New York State Certified Shovel Ready Site suitable for manufacturing/machining, light assembly, warehousing, cargo/freight logistics, research and development, and back-office operations. Preliminary planning for site development has been completed and a New York State Generic Environmental Impact Statement (GEIS) has been prepared. The Town recommends that the EA consider the GEIS and whether the proposed new BPS is a compatible use for the shovel ready site.
- Subdivision Approval – The Lockport Road alternative consists of 15.45 acres with frontage along Tuscarora Road and is part of a larger parcel of land covering 50.3 acres. The EA indicates, that if the Tuscarora Road alternative is chosen, CBP would acquire the 15.45 acres via purchase from the private landowner. The Town's subdivision regulations are set forth in Chapter 135 of the Town Code and the private landowner would require subdivision approval prior to the division and subsequent sale of land to CBP.
- Sewerage – The EA indicates that sewerage would be handled through the construction of a fully automated anaerobic septic system. However, the Town owns and operates a sanitary sewer collection system with wastewater treated by Niagara County. The Town recommends that the proposed new BPS connect to the existing sanitary sewer collection system.

Thank you for the opportunity to provide comments on the Draft EA and FONSI for the proposed Niagara Falls BPS. GHD is submitting this letter by email in advance of the submission deadline for comments to be received by BPS and will follow up with a hard copy letter to your attention as well. Feel free to contact me with any questions or if you wish to discuss our comments.

Regards,

Gregory D. Keyser
Planner
+1 716 362-8877
gregory.keyser@ghd.com

Copy to: Lee Wallace, Town of Niagara Supervisor
Town Board
Sylvia Virtuoso, Town Clerk
Charles Haseley, Building Inspector
Mike Risman, Esq., Hodgson Russ
Robert P. Lannon Jr., PE, GHD
Camie Jarrell, PE, GHD

DEPARTMENT OF THE AIR FORCE
AIR FORCE RESERVE COMMAND

8 December 2021

William T. McElhinney, III, Col, USAF
Commander, 914th Air Refueling Wing
2720 Kirkbridge Drive
Niagara Falls, NY 14304-5001

Mr. John Petrilla
U.S. Customs and Border Protection
24000 Avila Road, Suite 5020
Laguna Niguel, CA 92677

Dear Mr. Petrilla,

Thank you in advance for providing us the opportunity to comment on the *Environmental Assessment for the New Niagara Falls Border Patrol Station*, November 2021. Based on our review, the two proposed locations for the new Station in the Town of Niagara do not have an anticipated significant impact to our installation operations. Our preferred location is Alternative 2 (Porter Road).

If there are any questions, we are available to discuss. My point of contact for this project is Kim Powell who can be reached at kimberly.powell@us.af.mil, 716-236-3126.

Sincerely,

MCELHINNEY.WILLIAM.T.III.1104272572 Digitally signed by MCELHINNEY.WILLIAM.T.III.1104272572 Date: 2021.12.08 09:40:09 -05'00'

WILLIAM T. MCELHINNEY, III, Col, USAF
Commande

United States Department of the Interior

FISH AND WILDLIFE SERVICE
3817 Luker Road
Cortland, New York 13045

December 14, 2021

Mr. Joseph Zidron
Director
Real Estate, Environmental and Leasing Division
US Border Patrol & Marine PMO.
1300 Pennsylvania Avenue NW
Washington, DC 20229

Dear Mr. Zidron:

This letter is in response to your October 13, 2021, letter regarding a new Niagara Falls Border Patrol Station in the Town of Niagara, Niagara County, New York. As you are aware, Federal agencies, such as the U.S. Customs and Border Patrol (CBP), have responsibilities under section 7 of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to consult with the U.S. Fish and Wildlife Service (Service) regarding projects that may affect federally listed species or designated critical habitat, and confer with the Service regarding projects that are likely to jeopardize federally proposed species or adversely modify proposed critical habitat.

The proposed project involves the construction of an approximately 18,000 square foot facility to accommodate up to 50 agents. In addition, approximately 21,000 square feet of support space would be needed for storage of vehicles and equipment. Also proposed is a communication tower, perimeter fencing and a heliport. The CBP has forwarded two potential sites for the new facility, both located immediately adjacent to the Niagara Falls International Airport. The first site is located along Lockport Road and consists of 15.45 acres of agricultural land. The second site consists of 10.6 acres of open field and secondary growth woods and wetlands.

In your letter, CBP indicated that the federally listed threatened northern long-eared bat (*Myotis septentrionalis*) may occur in the project area but that neither project alternative would harm the species. We note that the Service's Information Planning and Consultation (IPaC) website does not list this species and therefore no further action is required for it. However, the monarch butterfly (*Danaus plexippus*) is identified in IPaC as potentially occurring in the project area. This species is currently a candidate for listing under the Endangered Species Act (Federal Register : Endangered and Threatened Wildlife and Plants; 12-Month Finding for the Monarch Butterfly). While the monarch butterfly may be identified through the IPaC program official species list requests, there are no section 7 consultation requirements for candidate species (see

our Section 7 Questions and Answers on the monarch here - https://www.fws.gov/savethemonarch/FAQ-Section7.html). We encourage all federal agencies to take advantage of any opportunity they may have to conserve the species. We also continue to encourage our federal partners to consider incorporating habitat restoration or enhancement measures into project plans that benefits the monarch butterfly and other pollinators.

No further coordination or consultation under the ESA is required with the Service for this project at this time. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of federally listed and proposed endangered and threatened species in New York is available for your information. Until the proposed project is complete, we recommend that you check our website regularly from the date of this letter to ensure that listed species presence/absence information for the proposed project is current.*

Any additional information regarding the proposed project and its potential to impact listed species should be coordinated with both this office and with the New York State Department of Environmental Conservation.

We note that in project documents surface waters have been identified on the Porter Road site and it is expected that approximately 2.36 acres of wetland and 412 linear feet of stream habitat would be permanently impacted if the new CBP facility is built at that location. No impacts to surface waters are expected at the Lockport Road site. Therefore, given the disturbed nature of the Lockport Road site (agriculture) and lack of surface water resources, we recommend CBP select that one as the preferred alternative. We believe that from a Clean Water Act perspective, the Lockport site represents the Least Environmentally Damaging Practical Alternative.

Thank you for coordinating with our office. If you require additional information or assistance, please contact Tim Sullivan at 607-753-9334.

Sincerely,

DAVID STILWELL Digitally signed by DAVID STILWELL Date: 2021.12.14 10:34:45 -05'00'

David A. Stilwell
Field Supervisor

*Additional information referred to above may be found on our website at: https://www.fws.gov/northeast/nyfo/es/section7.htm

Cc: NYSDEC, Buffalo, NY (Env. Permits)

APPENDIX B
STATE-LISTED SPECIES FOR NIAGARA COUNTY, NEW YORK

New York Nature Explorer
County Results Report

Criteria: County: Niagara; State Protection Status: Endangered, Threatened, Special Concern; Distribution Status: Recently Confirmed, Historically Confirmed

Common Name	Subgroup	Distribution Status	Year Last Documente	Protection Status		Conservation Rank	
				State	Federal	State	Global
County: Niagara							
Animal: Mammals							
Northern Long-eared Bat *Myotis septentrionalis*	Bats	Historically Confirmed		Threatened	Threatened	S1	G1G2
Animal: Birds							
American Bittern *Botaurus lentiginosus*	Herons, Bitterns, Egrets, Pelicans	Recently Confirmed	2000-2005	Special Concern		S4	G4
Bald Eagle *Haliaeetus leucocephalus*	Hawks, Falcons, Eagles, Vultures	Recently Confirmed	2017	Threatened		S2S3B,S2N	G5

New York Nature Explorer

Common Name	Subgroup	Distribution Status	Year Last Documente	Protection Status		Conservation Rank	
				State	Federal	State	Global
Black Tern *Chlidonias niger*	Gulls, Terns, Plovers, Shorebirds	Recently Confirmed	2007	Endangered		S2B	G4
Cerulean Warbler *Setophaga cerulea*	Wood-Warblers	Recently Confirmed	2000-2005	Special Concern		S3?B	G4
Common Nighthawk *Chordeiles minor*	Nightbirds	Recently Confirmed	2000-2005	Special Concern		S2S3B	G5
Common Tern *Sterna hirundo*	Gulls, Terns, Plovers, Shorebirds	Recently Confirmed	2000-2005	Threatened		S3B	G5
Cooper's Hawk *Accipiter cooperii*	Hawks, Falcons, Eagles, Vultures	Recently Confirmed	2000-2005	Special Concern		S4	G5
Golden-winged Warbler *Vermivora chrysoptera*	Wood-Warblers	Recently Confirmed	2000-2005	Special Concern		S3B	G4
Grasshopper Sparrow *Ammodramus savannarum*	Sparrows and Towhees	Recently Confirmed	2000-2005	Special Concern		S3B	G5
Henslow's Sparrow *Ammodramus henslowii*	Sparrows and Towhees	Recently Confirmed	2000-2005	Threatened		S3B	G4
Horned Lark *Eremophila alpestris*	Larks	Recently Confirmed	2000-2005	Special Concern		S3S4B	G5
King Rail *Rallus elegans*	Rails, Coots and Cranes	Recently Confirmed	2000-2005	Threatened		S1B	G4
Least Bittern *Ixobrychus exilis*	Herons, Bitterns, Egrets, Pelicans	Recently Confirmed	2017	Threatened		S3B,S1N	G5
Northern Harrier *Circus hudsonius*	Hawks, Falcons, Eagles, Vultures	Recently Confirmed	2018	Threatened		S3B,S3N	G5
Osprey *Pandion haliaetus*	Hawks, Falcons, Eagles, Vultures	Recently Confirmed	2000-2005	Special Concern		S4B	G5
Peregrine Falcon *Falco peregrinus*	Hawks, Falcons, Eagles, Vultures	Recently Confirmed	2009	Endangered		S3B	G4
Pied-billed Grebe *Podilymbus podiceps*	Grebes	Recently Confirmed	2017	Threatened		S3B,S1N	G5
Red-headed Woodpecker *Melanerpes erythrocephalus*	Woodpeckers	Recently Confirmed	2000-2005	Special Concern		S2?B	G5

New York Nature Explorer

Common Name	Subgroup	Distribution Status	Year Last Documente	Protection Status		Conservation Rank	
				State	Federal	State	Global
Red-shouldered Hawk *Buteo lineatus*	Hawks, Falcons, Eagles, Vultures	Recently Confirmed	2000-2005	Special Concern		S4B	G5
Sedge Wren *Cistothorus platensis*	Wrens	Recently Confirmed	2018	Threatened		S3B	G5
Sharp-shinned Hawk *Accipiter striatus*	Hawks, Falcons, Eagles, Vultures	Recently Confirmed	2000-2005	Special Concern		S4	G5
Short-eared Owl *Asio flammeus*	Owls	Recently Confirmed	2018	Endangered		S2	G5
Upland Sandpiper *Bartramia longicauda*	Gulls, Terns, Plovers, Shorebirds	Recently Confirmed	2001	Threatened		S3B	G5
Vesper Sparrow *Pooecetes gramineus*	Sparrows and Towhees	Recently Confirmed	2000-2005	Special Concern		S3B	G5
Whip-poor-will *Antrostomus vociferus*	Nightbirds	Recently Confirmed	2000-2005	Special Concern		S3B	G5
Yellow-breasted Chat *Icteria virens*	Wood-Warblers	Recently Confirmed	2000-2005	Special Concern		S2?B	G5

Animal: Reptiles

Blanding's Turtle *Emydoidea blandingii*	Turtles	Recently Confirmed	2002	Threatened		S2S3	G4
Spiny Softshell *Apalone spinifera*	Turtles	Historically Confirmed		Special Concern		S2S3	G5
Spotted Turtle *Clemmys guttata*	Turtles	Recently Confirmed	1990-1999	Special Concern		S3	G5

Animal: Amphibians

Blue-spotted Salamander *Ambystoma laterale*	Salamanders	Recently Confirmed	1990-1999	Special Concern		S3	G5

Animal: Fish

Black Redhorse *Moxostoma duquesnei*	Minnows, Shiners, Suckers	Recently Confirmed	2011	Special Concern		S2	G5
Lake Sturgeon *Acipenser fulvescens*	Sturgeons and Paddlefish	Recently Confirmed	2011	Threatened		S2S3	G3G4

New York Nature Explorer

Common Name	Subgroup	Distribution Status	Year Last Documente	Protection Status		Conservation Rank	
				State	Federal	State	Global
Northern Sunfish *Lepomis peltastes*	Darters and Sunfishes	Recently Confirmed	2009	Threatened		S1	G5
Redfin Shiner *Lythrurus umbratilis*	Minnows, Shiners, Suckers	Recently Confirmed	2012	Special Concern		S1S2	G5
Spoonhead Sculpin *Cottus ricei*	Sculpins	Historically Confirmed		Endangered		SH	G5

Animal: Butterflies and Moths

Persius Duskywing *Erynnis persius persius*	Butterflies and Skippers	Historically Confirmed	1970	Endangered		S1	G5T1T3

Animal: Mussels and Clams

Wavyrayed Lampmussel *Lampsilis fasciola*	Freshwater Mussels	Recently Confirmed	2017	Threatened		S1	G5

Plant: Flowering Plants

Basilbalm *Monarda clinopodia*	Other Flowering Plants	Historically Confirmed	1867	Endangered		S1	G5
Big Shellbark Hickory *Carya laciniosa*	Other Flowering Plants	Recently Confirmed	2007	Threatened		S2	G5
Bushy Cinquefoil *Potentilla supina ssp. paradoxa*	Other Flowering Plants	Recently Confirmed	2000	Endangered		S1	G5
Cooper's Milkvetch *Astragalus neglectus*	Other Flowering Plants	Historically Confirmed		Endangered		S1	G4
Cork Elm *Ulmus thomasii*	Other Flowering Plants	Recently Confirmed	1976	Threatened		S2S3	G5
Drummond's Rock Cress *Boechera stricta*	Other Flowering Plants	Historically Confirmed	1898	Threatened		S2	G5
Eastern Prairie Fringed Orchid *Platanthera leucophaea*	Orchids	Historically Confirmed		Endangered	Threatened	SH	G2G3
Elk Sedge *Carex garberi*	Sedges	Recently Confirmed	2009	Endangered		S1	G5

New York Nature Explorer

Common Name	Subgroup	Distribution Status	Year Last Documente	Protection Status		Conservation Rank	
				State	Federal	State	Global
Field Pansy *Viola bicolor*	Other Flowering Plants	Recently Confirmed		Endangered		S1	G5
Forest Blue Grass *Poa sylvestris*	Grasses	Recently Confirmed	1988	Endangered		S1	G5
Four-flowered Loosestrife *Lysimachia quadriflora*	Other Flowering Plants	Recently Confirmed	2000	Endangered		S1	G5?
Goldenseal *Hydrastis canadensis*	Other Flowering Plants	Historically Confirmed		Threatened		S2	G3G4
Hairy-jointed Meadow Parsnip *Thaspium barbinode*	Other Flowering Plants	Historically Confirmed		Endangered		S1	G5
Harbinger-of-spring *Erigenia bulbosa*	Other Flowering Plants	Recently Confirmed	2009	Endangered		S1	G5
Hooker's Orchid *Platanthera hookeri*	Orchids	Historically Confirmed	1897	Endangered		S1	G4
Lake Cress *Rorippa aquatica*	Other Flowering Plants	Recently Confirmed	1987	Threatened		S2	G4?
Lesser Fringed Gentian *Gentianopsis virgata ssp. virgata*	Other Flowering Plants	Recently Confirmed	2009	Endangered		S1	G5TNRQ
Marsh Arrow Grass *Triglochin palustris*	Other Flowering Plants	Historically Confirmed	1875	Threatened		S2	G5
Marsh Valerian *Valeriana uliginosa*	Other Flowering Plants	Historically Confirmed		Endangered		S1S2	G4Q
Mountain Death Camas *Anticlea elegans var. glauca*	Other Flowering Plants	Recently Confirmed	2011	Threatened		S2	G5T4T5
Northern Wild Comfrey *Andersonglossum boreale*	Other Flowering Plants	Historically Confirmed	1888	Endangered		S1S2	G5T4T5
Ohio Goldenrod *Solidago ohioensis*	Asters, Goldenrods and Daisies	Recently Confirmed	2011	Threatened		S2	G4
Pawpaw *Asimina triloba*	Other Flowering Plants	Recently Confirmed	2004	Threatened		S2	G5
Pinedrops *Pterospora andromedea*	Other Flowering Plants	Historically Confirmed	1888	Endangered		S1	G5

New York Nature Explorer

Common Name	Subgroup	Distribution Status	Year Last Documente	Protection Status		Conservation Rank	
				State	Federal	State	Global
Purple Cress *Cardamine douglassii*	Other Flowering Plants	Recently Confirmed		Threatened		S2S3	G5
Puttyroot *Aplectrum hyemale*	Orchids	Historically Confirmed	1865	Endangered		S1	G5
Red Pondweed *Potamogeton alpinus*	Other Flowering Plants	Historically Confirmed	1886	Threatened		S1S2	G5
Reflexed Sedge *Carex retroflexa*	Sedges	Historically Confirmed	1888	Threatened		S4	G5
Rock Whitlow Grass *Draba arabisans*	Other Flowering Plants	Historically Confirmed	1872	Threatened		S2	G4
Rough-leaf Dogwood *Cornus drummondii*	Other Flowering Plants	Historically Confirmed		Endangered		S1	G5
Scarlet Indian-paintbrush *Castilleja coccinea*	Other Flowering Plants	Historically Confirmed	1901	Endangered		S1	G5
Shumard Oak *Quercus shumardii*	Other Flowering Plants	Recently Confirmed	2006	Endangered		S1	G5
Sky-blue Aster *Symphyotrichum oolentangiense*	Asters, Goldenrods and Daisies	Recently Confirmed	2017	Endangered		S1	G5
Slender Blazing Star *Liatris cylindracea*	Asters, Goldenrods and Daisies	Recently Confirmed	2011	Endangered		S1	G5
Slender Pondweed *Stuckenia filiformis*	Other Flowering Plants	Historically Confirmed	1929	Endangered		S1	G5
Smartweed Dodder *Cuscuta polygonorum*	Other Flowering Plants	Recently Confirmed		Endangered		S1	G5
Southern Blue Flag *Iris virginica*	Other Flowering Plants	Recently Confirmed	2011	Endangered		S1	G5
Stalked Bugleweed *Lycopus rubellus*	Other Flowering Plants	Historically Confirmed		Endangered		S1	G5
Stiff Flat-topped Goldenrod *Solidago rigida var. rigida*	Asters, Goldenrods and Daisies	Recently Confirmed	2006	Threatened		S2	G5T5
Swamp Birch *Betula pumila*	Other Flowering Plants	Historically Confirmed		Threatened		S2	G5

New York Nature Explorer

Common Name	Subgroup	Distribution Status	Year Last Documente	Protection Status		Conservation Rank	
				State	Federal	State	Global
Swamp Lousewort *Pedicularis lanceolata*	Other Flowering Plants	Historically Confirmed		Threatened		S2S3	G5
Swamp Oats *Sphenopholis pensylvanica*	Grasses	Historically Confirmed	1886	Endangered		S1	G4
Tall Bellflower *Campanula americana*	Other Flowering Plants	Historically Confirmed		Endangered		S1	G5
Wafer Ash *Ptelea trifoliata var. trifoliata*	Other Flowering Plants	Historically Confirmed		Endangered		S1S2	G5T5
Yellow Giant-hyssop *Agastache nepetoides*	Other Flowering Plants	Recently Confirmed	2001	Threatened		S2S3	G5

Plant: Ferns and Fern Allies

Smooth Cliff Brake *Pellaea glabella ssp. glabella*	Ferns	Recently Confirmed	2011	Threatened		S2	G5T5

This list only includes records from the databases of the NY Natural Heritage Program, the second NYS Breeding Bird Atlas Project, and the NY Amphibian and Reptile Atlas Project. This list is not a definitive statement about the presence or absence of all plants and animals, including rare or state-listed species, or of all significant natural communities.